CITY COMMISSION MEETING AGENDA

CITY COMMISSION **DAYTON, OHIO** **JULY 15, 2020**

6:00 P.M.

I. AGENDA SCHEDULE

<u>Please register to speak</u> on items 9, 11 and 13 with the Clerk of the Commission. (Sign-up sheets at entrance of Commission Chambers.)

1. Call Meeting to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Approval of Minutes
6. Communications and Petitions Distribution (if any)
7. Special Awards/Recognition
8. Discussion of City Manager's Recommendations (See Section II)
9. Citizen Comments on City Manager's Recommendations
10. City Commission Action on City Manager's Recommendations
11. Public Hearings: **(See Section V)**
12. Discussion Item: **N/A**
13. Comments by Citizens - Please register to speak with the Clerk of Commission (Non - Calendar items) sign-up sheets at entrance of Commission Chambers
14. Comments by City Manager
15. Comments by City Commission
16. Work Session: **N/A**
17. Miscellaneous (See Section VI)

II. CITY MANAGER RECOMMENDATIONS (Item #8 above)

The following recommendations are offered for City Commission approval.

A. Purchase Orders, Agreements and Contracts:

(All contracts are valid until delivery is complete or through December 31st of the current year).

1. **Purchase Orders:**

<u>AVIATION</u>

A1. Oracle Elevator Holdco, Inc. dba Oracle Elevator Company
(four UV Escalator Handrail Sanitizers) **$34,880.00**

1. **(Cont'd):**

INFORMATION TECHNOLOGY

B1. Avalon Technologies, Inc. (professional services as needed through 12-31-20) **$13,448.00**

POLICE

C1. Key Chrysler Jeep & Dodge, Inc. (four 2020 Dodge Durango Pursuits) **120,856.00**

C2. Middletown Ford, Inc. (one 2020 passenger van) **32,766.00**

PUBLIC WORKS

D1. Jam Distribution LLC (self-contained sanitizer stations and refills) **50,325.00**

D2. Roby Services LTD (janitorial supplies as needed through 12-31-20) **10,000.00**

D3. Belson Outdoors LLC (14 recycled plastic waste receptacles with lids and liners and 24 recycled plastic benches) **15,903.74**

-Depts. of Aviation, Information Technology, Police and Public Works

Total: $278,178.74

2. **L.J. DeWeese Co., Inc. – Award of Contract –** for the West Third Street Water Main Improvements (15% MBE, 5% SBE-Goal/15.01% MBE, 5.23% SBE-Achieved) – Dept. of Water/Water Engineering.

$1,302,909.30
(Thru 05/31/22)

E. Other – Contributions, Etc.:

3. **2J Supply, Inc. – Other –** Enterprise Zone Agreement – Dept. of Economic Development. **N/A**

IV. LEGISLATION:

Ordinance – Second Reading:

4. **No. 31823-20** To Vacate Shaw Avenue from Great Miami Boulevard to the East Property Line of City Lot #13986.

Resolution – Second Reading:

5. **No. 6518-20** Acknowledging Notification of the Plan Board's Decision to Extend the Expiration Date of CitiPlan Dayton: The 20/20 Vision to December 31, 2022.

V. PLANNING ACTION

A. PUBLIC HEARINGS:

6. To establish Planned Development PD-175 at 4400 Old Troy Pike for a 256 single-family home development on a 100.657 acre site. All property within the boundaries of PD-175 shall be zoned SR-1 Suburban Single-Family Residential. The current Planned Development for the site, PD-78, will be repealed and replaced by PD-175-
Case No. PLN2018-00716.

VI. MISCELLANEOUS:

ORDINANCE NO. 31826-20

RESOLUTION NO. 6519-20

IMPROVEMENT RESOLUTION NO. 3598-20

INFORMAL RESOLUTION NO. 979-20

City Manager's Report

From **2730 – PMB/Procurement**

Date July 15, 2020

Expense Type Purchase Order

Total Amount $278,178.74

Supplier, Vendor, Company, Individual

Name **See Below**

Address **See Below**

2020 Purchase Orders

Fund Source(s)	Fund Code(s)	Fund Amount(s)
See below	See below	See below

Includes Revenue to the City ☐ Yes ☑ No **Affirmative Action Program** ☑ Yes ☐ No ☐ N/A

Description

AVIATION

(A1) P0200974 – ORACLE ELEVATOR HOLDCO, INC. dba ORACLE ELEVATOR COMPANY, WORTHINGTON, OH

- Four (4) UV Escalator Handrail Sanitizers.
- These goods and services are required to maintain continued sterilization of handrails at Aviation during the COVID-19 emergency.
- Pursuant to Section 86 of the City of Dayton Charter, the City has declared an emergency, the necessary funds have been encumbered, and the supplier has been notified to proceed.
- The Department of Aviation recommends approval of this order.

Fiscal Year	Fund Source(s)	Fund Code(s)	Fund Amount(s)
2020	Furniture, Fixtures & Equip Assets	51000-3220-1411-43	$34,880.00

Signatures/Approval

Melissa A. Wilson, CPPB 7-6-2020
Division

Melissa A. Wilson, CPPB
for Department

for City Manager

Approved by City Commission

Clerk

Date

FORM NO. MS-16

Updated 06/2016

BACK

INFORMATION TECHNOLOGY

(B1) P0200976 – AVALON TECHNOLOGIES, INC., BLOOMFIELD HILLS, MI

- Professional services as needed through 12/31/2020.
- These services are required to assist the Department of Information Technology with email migration from on premise to Office 365 Cloud.
- Avalon Technologies, Inc. is recommended to ensure consistent quality, compatibility and operational continuity; therefore, this purchase was negotiated.
- The Department of Information Technology recommends approval of this order.

Fiscal Year	Fund Source(s)	Fund Code(s)	Fund Amount(s)
2020	Other Professional Services	10000-5560-1159-65	$13,448.00

POLICE

(C1) P0200977 – KEY CHRYSLER JEEP & DODGE, INC., XENIA, OH

- Four (4) 2020 Dodge Durango Pursuits.
- These vehicles are required to support the daily operations of the Department of Police.
- Key Chrysler Jeep & Dodge, Inc. is recommended for continuity of Department vehicles.
- Funding is from the US Department of Justice's Coronavirus Emergency Supplemental Funding (CESF).
- The Department of Police recommends approval of this order.

Fiscal Year	Fund Source(s)	Fund Code(s)	Fund Amount(s)
2020	Motorized Equipment	28146-6210-1412-71	$120,856.00

(C2) P0200978 – MIDDLETOWN FORD, INC., MIDDLETOWN, OH

- One (1) 2020 passenger van.
- This vehicle is required to support the daily operations of the Department of Police.
- Rates are in accordance with the State of Ohio Term Schedule Contract #RS900720 and Index #GDC104.
- Funding is from the US Department of Justice's Coronavirus Emergency Supplemental Funding (CESF).
- The Department of Police recommends approval of this order.

Fiscal Year	Fund Source(s)	Fund Code(s)	Fund Amount(s)
2020	Motorized Equipment	28146-6210-1412-71	$32,766.00

PUBLIC WORKS – DIRECTOR'S OFFICE

(D1) P0200970 – JAM DISTRIBUTION LLC, LEXINGTON, KY

- Self-contained sanitizer stations and refills.
- These goods are required to maintain continued sterilization for parks and shelters throughout the City during the COVID-19 emergency.
- Pursuant to Section 86 of the City of Dayton Charter, the City has declared an emergency, the necessary funds have been encumbered, and the supplier has been notified to proceed.
- The Department of Public Works recommends approval of this order.

Fiscal Year	Fund Source(s)	Fund Code(s)	Fund Amount(s)
2020	Supplies and Materials	10000-9980-1301-99	$50,325.00

PUBLIC WORKS – PROPERTY MANAGEMENT

(D2) P0200387 – ROBY SERVICES LTD, DAYTON, OH

- Janitorial supplies as needed through 12/31/2020.
- These goods are required to replenish inventories used in daily operations.
- Rates are in accordance with the City of Dayton's existing price agreement IFB 18003D with pricing through 1/31/2021.
- This amendment increases the previously authorized amount of $35,000.00 by $10,000.00 for a total not to exceed $45,000.00 and therefore requires City Commission approval.
- The Department of Public Works recommends approval of this order.

Fiscal Year	Fund Source(s)	Fund Code(s)	Fund Amount(s)
2020	Supplies and Materials	10000-6480-1301-54	$10,000.00

PUBLIC WORKS – STREET MAINTENANCE

(D3) P0200980 – BELSON OUTDOORS LLC, NAPERVILLE, IL

- Fourteen (14) recycled plastic waste receptacles with lids and liners and twenty-four (24) recycled plastic benches.
- These goods are required for continuation of upkeep at City parks.
- Three (3) possible vendors were solicited and three (3) responses were received.
- Seventy percent (70%) of funding is from the 2020 Recycling Incentive Grant.
- The Department of Public Works recommends acceptance of the low response.

Fiscal Year	Fund Source(s)	Fund Code(s)	Fund Amount(s)
2020	Supplies and Materials	28343-6490-1301-56-PW2001	$15,903.74

The aforementioned departments recommend approval of this order.

BACK

City Manager's Report

From **3420- Water/Water Engineering**

Date **July 15, 2020**

Expense Type **Award of Contract**

Supplier, Vendor, Company, Individual

Total Amount **$1,302,909.30 (thru 5/31/2022)**

Name **L.J. DeWeese Co., Inc.**

Address **3616 Tipp-Cowlesville Rd., Tipp City, OH 45371**

Fund Source(s)	Fund Code(s)	Fund Amount(s)
Series 2018 Water Const. Fund	53816-3445-1424-54-WF2003	$912,036.51
2020 Water Capital Fund	53005-3445-1424-54-WF2003	$390,872.79

Includes Revenue to the City ☐ Yes ☑ No **Affirmative Action Program** ☑ Yes ☐ No ☐ N/A

Description

WEST THIRD STREET WATER MAIN IMPROVEMENTS
(15% MBE, 5% SBE-GOAL / 15.01% MBE, 5.23% SBE-ACHIEVED)

The Department of Water requests permission to enter into a Contract with L.J. DeWeese Co., Inc. in the amount of $1,302,909.30 for the West Third Street Water Main Improvements project. This amount includes the base bid of $1,184,463.00 and Alternate No. 1 – Contingency Allowance for $118,446.30. This project consists of the installation of approximately 3,500 linear feet of new 12" water main in W. Third Street from Gettysburg Avenue to Ventura Avenue. Work includes the installation of ductile iron pipe and fittings, gate valves, fire hydrants and doing other work incidental thereto.

Six bids were received for this project on June 18, 2020. After evaluating the bids, L.J. DeWeese Co., Inc.'s bid was determined to be the lowest. The estimated cost for the project was $1,380,000.00. The time of completion is May 31, 2021. The expiration date identified on the Certificate of Funds is May 31, 2022.

This project is being funded using Series 2018 Water Construction Fund (Debt) and 2020 Water Capital Funds (Cash). This project supports the Asset Management Capital Reinvestment Program by replacing existing water mains to improve performance of the water distribution system.

A Certificate of Funds, Tabulation of Bids, Human Relations Council's verification letter, and the Bid Form from the firm recommended for award are attached.

Signatures/Approval

Division

Department

City Manager

Approved by City Commission

Clerk

Date

FORM NO. MS-16

Updated 8/2016

CERTIFICATE OF FUNDS

CT20-2611

SECTION I - to be completed by User Department

NO DRAFT DOCUMENTS PERMITTED

X New Contract ____ Renewal Contract ____ Change Order

Contract Start Date	7/15/2020
Expiration Date	5/31/2022
Original Commission Approval	$ 1,302,909.30
Initial Encumbrance	$ 1,302,909.30
Remaining Commission Approval	$ -
Original CT/CF	
Increase Encumbrance	$ -
Decrease Encumbrance	$ -
Remaining Commission Approval	$ -

Required Documentation

X	Initial City Manager's Report
X	Initial Certificate of Funds
X	Initial Agreement/Contract
	Copy of City Manager's Report
	Copy of Original Certificate of Funds

Amount: $ 912,036.51

Fund Code 53816 (Fund) 3445 (Org) 1424 (Acct) 54 (Prog) WF2003 (Act) - (Loc)

Amount: $ 390,872.79

Fund Code 53005 (Fund) 3445 (Org) 1424 (Acct) 54 (Prog) WF2003 (Act) - (Loc)

Amount: ____

Fund Code ____ (Fund) - ____ (Org) - ____ (Acct) - ____ (Prog) - ____ (Act) - ____ (Loc)

Amount: ____

Fund Code ____ (Fund) - ____ (Org) - ____ (Acct) - ____ (Prog) - ____ (Act) - ____ (Loc)

Attach additional pages for more FOAPALs

Vendor Name: L,J. DeWeese Co., Inc.

Vendor Address: 3616 Tipp-Cowlesville Rd. (Street) Tipp City (City) OH (State) 45371 (Zipcode + 4)

Federal ID: 31-0602186

Commodity Code: 96896

Purpose: Award of Contract for West Third Street Water Main Improvements

Contact Person: Lisa Burton-Yates Water/Water Engineering (Department/Division) 7/2/2020 (Date)

Originating Department Director's Signature: [signature]

SECTION II - to be completed by the Finance Department

I hereby certify that the amount of money required to meet the payment(s) called for in the aforesaid request have been lawfully appropirated f such purpose and is in the Treasury, or in the process of collection, to the credit of the fund from which it is to be drawn free and clear from an previous encumbrance.

[signature] 7/7/2020

Finance Director Signature Date

Tonika Williams 7/7/2020 CT20-2611

CF Prepared by Date CF/CT Number

RHH
7/6/2020

MEMORANDUM | DAYTON

July 2, 2020

TO: Shelley Dickstein, City Manager
City Manager's Office

FROM: Michael Powell, Director
Department of Water

SUBJECT: Water Department Contract Items for July 15th Commission Meeting

The Department of Water is recommending the award of a contract for approval on the July 15, 2020 City of Dayton Commission Meeting. The Department of Water considers this contract essential to maintaining operations. Each of the items are detailed below:

West Third Street Water Main Improvements

The Department of Water requests permission to enter into a Contract with L.J. DeWeese Co., Inc. in the amount of $1,302,909.30 for the West Third Street Water Main Improvements. This amount includes the base bid of $1,184,463.00 and Alternate No. 1 – Contingency Allowance for $118,446.30 (10% of the base bid). This project consists of installation of approximately 3,500 linear feet of new 8" water main in West Third Street from Gettysburg Avenue to Ventura Avenue.

Six bids were received for this project on June 18, 2020. After evaluating the bids, L.J. DeWeese Co., Inc.'s bid was determined to be the lowest. The estimated cost of the project was $1,380,000.00. The time of completion is May 31, 2021.

c: Joe Parlette

DAYTON, OHIO
DEPARTMENT OF WATER

PROPOSAL TABULATION FOR:
WEST THIRD STREET WATER MAIN IMPROVEMENTS (15% MBE AND 5% SBE PARTICIPATION)

Bid Opening Date:	**Engineer's Estimate:**[1]	**Estimated Time of Completion:**
June 18, 2020	$1,380,000.00	May 31, 2021

Bidders	**Actual Amount**[1] **of Bid**	**Adjustment for Work Days**	**Adjustment for Comparison Purposes Only**
***L.J. Deweese**	$1,302,909.30		$1,302,909.30
CG Construction	$1,313,950.00		$1,313,950.00
Milcon	$1,392,586.80		$1,392,586.80
Double Jay	$1,406,768.00		$1,406,768.00
Outdoor Enterprise	$1,435,662.80		$1,435,662.80
Sturm Construction	$2,255,000.00		$2,255,000.00

*** RECOMMENDED FOR AWARD**

[1] includes Base Bid and Alternate No. 1 - Contingency Allowance

West Third Street Water Main Improvements (#7083416)
Owner: City of Dayton Ohio
Solicitor: Dayton OH, City of
06/18/2020 12:00 PM EDT

Section Title	L.J. DeWeese Extension	C. G. Extension	Milcon Extension	Double Jay Extension	Outdoor Ent Extension	Sturm Const Extension
Base Bid	$1,178,415.00	$1,188,452.00	$1,259,940.00	$1,272,832.00	$1,299,100.00	$2,043,952.00
Street Cut Permit Fee	$6,048.00	$6,048.00	$6,048.00	$6,048.00	$6,048.00	$6,048.00
Alternate No. 1 Contingency Allowance	$118,446.30	$119,450.00	$126,598.80	$127,888.00	$130,514.80	$205,000.00
Base Bid Total:	$1,184,463.00	$1,194,500.00	$1,265,988.00	$1,278,880.00	$1,305,148.00	$2,050,000.00

MEMORANDUM | DAYTON

June 30, 2020

TO: Nick Dailey P.E., Chief Engineer
Department of Water,
Division of Water Engineering

FROM: Chrisondra Goodwine, Contract Compliance Officer
Human Relations Council (HRC)

SUBJECT: **W. Third St. Water Main Improvements**
(5% SBE 15% MBE Participation Goal)

The apparent low bidder, L.J. DeWeese Co., Inc, submitted a bid utilizing three (4) PEP-certified contractor to meet the project's participation goal. The HRC's contract compliance analysis has verified that L.J. DeWeese Co., Inc, is an approved bidder in the City of Dayton's Affirmative Action Assurance program and that the company's authorized representative signed the Contractor's Certification to indicate fair hiring practices.

The recommended company to receive the above-mentioned construction award is as follows:

PRIME CONTRACTOR	AMOUNT OF BASE BID
L.J. DeWeese Co., Inc.	**$1,184,483.00**

CERTIFIED BUSINESS PARTICIPATION	COMMITTED DOLLAR AMT	% TOWARD GOAL
L.J. DeWeese Co., Inc,	**$62,000.00**	**5.23% SBE**
EWOL Trucking & Construction	**$41,200.00**	**3.48% MBE**
W.C. Jones Asphalt Paving Co.,	**$95,400.00**	**8.05% MBE**
Davida's Trucking & Excavating, LLC	**$41,200.00**	**3.48% MBE**

TOTAL COMMITTED PARTICIPATION	**5.23% SBE** **15.01% MBE**

The attached participation forms should be included with the contract agreement. Contract compliance will include meeting verified participation and minimal worker utilization goals as stated in the Affirmative Action Program Equal Employment Opportunity form certified in the bid submission. If you have any questions or concerns, please feel free to contact me at (937) 333-1405.

CAG

CITY OF DAYTON, OHIO

DEPARTMENT OF PUBLIC WORKS

Bid West Third St. Water Main Imrpovements

Bidder L.J. DeWeese Co., Inc.
3616 Tipp-Cowlesville Rd.
Tipp City, Ohio 45371

W THIRD ST WATER MAIN

6/18/2020

L.J. DeWeese Co., Inc.

Section Title	Line Item	Item Code	Item Description	UofM	Quantity	Unit Price	Extension
Base Bid							
	1	202	Trolley Track Removed	L.F.	700	$15.00	$10,500.00
	2	207	Temporary Sediment and Erosion Control	L.S.	1	$5,055.00	$5,055.00
	3	304	Aggregate Base	C.Y.	50	$50.00	$2,500.00
	4	305	Concrete Base (ODOT 499, Class FS)	S.Y.	2600	$38.00	$98,800.00
	5	441	Asphalt Concrete	TONS	600	$175.00	$105,000.00
	6	453	Concrete Driveway	S.F.	1800	$8.00	$14,400.00
	7	608	Concrete Walk	S.F.	1100	$8.00	$8,800.00
	8	608	Curb Ramp	S.F.	400	$10.00	$4,000.00
	9	609	Barrier Curb/Curb and Gutter	L.F.	700	$30.00	$21,000.00
	10	614	Maintaining Traffic	LUMP	1	$83,000.00	$83,000.00
	11	615	Low Strength Mortar Backfill, Type 1 (No Fly Ash)	C.Y.	3400	$30.00	$102,000.00
	12	623	Construction Layout Stakes	LUMP	1	$6,500.00	$6,500.00
	13	653	Topsoil Furnished and Placed, 4"	C.Y.	140	$50.00	$7,000.00
	14	659	Seeding and Mulching (Hydro Seed)	S.Y.	1400	$0.50	$700.00
	15	810	Excavation and Backfill, 4" Water with Structural Backfill	L.F.	80	$50.00	$4,000.00
	16	810	Excavation and Backfill, 6" Water with Structural Backfill	L.F.	170	$52.00	$8,840.00
	17	810	Excavation and Backfill, 8" Water with Structural Backfill	L.F.	2060	$62.00	$127,720.00
	18	810	Excavation and Backfill, 12" Water with Structural Backfill	L.F.	2150	$65.00	$139,750.00
	19	824	4" Ductile Iron Water Pipe & Fittings	L.F.	80	$50.00	$4,000.00
	20	824	6" Ductile Iron Water Pipe & Fittings	L.F.	170	$45.00	$7,650.00
	21	824	8" Ductile Iron Water Pipe & Fittings	L.F.	2060	$45.00	$92,700.00
	22	824	12" Ductile Iron Water Pipe & Fittings	L.F.	2150	$50.00	$107,500.00
	23	837	Abandoned, Special (Water Valves)	EA.	24	$250.00	$6,000.00
	24	840	4" Gate Valve and Appurtenances	EA.	2	$1,100.00	$2,200.00
	25	840	6" Gate Valve and Appurtenances	EA.	10	$1,750.00	$17,500.00
	26	840	8" Gate Valve and Appurtenances	EA.	14	$2,300.00	$32,200.00
	27	840	12" Gate Valve and Appurtenances	EA.	3	$3,400.00	$10,200.00
	28	843	Fire Hydrant, Installed	EA.	7	$3,400.00	$23,800.00
	29	843	Fire Hydrant, Removal	EA.	5	$500.00	$2,500.00

	30	844	4"x4" Water Main Tap	EA.	5	$2,500.00	$12,500.00
	31	844	6"x6" Water Main Tap	EA.	2	$2,500.00	$5,000.00
	32	844	8"x8" Water Main Tap	EA.	2	$2,500.00	$5,000.00
	33	844	12"x12" Water Main Tap	EA.	1	$2,500.00	$2,500.00
	34	845	Service Replacement, Method "B", 1"	L.F.	1325	$50.00	$66,250.00
	35	845	Curb Stop, 1"	EA.	55	$150.00	$8,250.00
	36	845	Curb Box, 1"	EA.	55	$100.00	$5,500.00
	37	847	Cut & Plug, 4" Water Line	EA.	9	$700.00	$6,300.00
	38	847	Cut & Plug, 6" Water Line	EA.	6	$700.00	$4,200.00
	39	847	Cut & Plug, 8" Water Line	EA.	1	$700.00	$700.00
	40	642	Lane Line	Ln Ft	1000	$2.00	$2,000.00
	41	642	Centerline	Ln Ft	600	$2.00	$1,200.00
	42 SP-1		Cold Weather Temporary Pavement	Sq Yd	1600	$2.00	$3,200.00
Street Cut Permit Fee	43	810	Street Cut Permit Fee	LS	1	$6,048.00	$6,048.00
Base Bid Total:							$1,184,463.00
Alternate No. 1 Contingency Allowance							$118,446.30
	44 A-1		Contingency Allowance (10% of Base Bid)	LUMP	1	$118,446.30	$118,446.30

DISCLOSURE OF LITIGATION

Disclosure of Litigation: Have you or any person, group, partnership, company, or corporation affiliated with you been engaged in the past three (3) years in litigation, mediation or any form of contractual dispute resolution with any state government or any political subdivision thereof including, without limitation, the State of Ohio, the City of Dayton, Ohio, or Montgomery County, Ohio? For the purpose of your response, "affiliated" means directly or indirectly controlling, controlled by, or under common control, with "control" meaning legally or operationally in a position to exercise restraint or direction over the other.

RESPONSE: YES ☐ NO ☑

If your response is "YES" please separately identify each lawsuit, mediation or dispute resolution process in which you or your affiliate have been engaged during the past three (3) years. Identify the nature of the dispute, the parties involved, and the current status of the dispute. Attach or include any information you believe pertinent to a full understanding of the disputed matters.

STATE OF OHIO
CERTIFICATE

Ohio Secretary of State, Frank LaRose

254167

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

L. J. DEWEESE CO., INC.

and, that said business records show the filing and recording of:

Document(s)
SUBSEQUENT AGENT APPOINTMENT

Document No(s):
202018900832

Effective Date: 07/07/2020

United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of the Secretary of State at Columbus, Ohio this 7th day of July, A.D. 2020.

Ohio Secretary of State

Form 521 Prescribed by:

Frank LaRose
Ohio Secretary of State

Toll Free: 877.767.3453 | Central Ohio: 614.466.3910
OhioSoS.gov | business@OhioSoS.gov
File online or for more information: OhioBusinessCentral.gov

Statutory Agent Update
Filing Fee: $25
Form Must Be Typed

(CHECK ONLY ONE(1) BOX)

(1) Subsequent Appointment of Agent
- ☒ Corp (165-AGS)
- ☐ LP (165-AGS)
- ☐ LLC (171-LSA)
- ☐ Business Trust (171-LSA)
- ☐ Real Estate Investment Trust (171-LSA)

(2) Change of Address of an Agent
- ☐ Corp (145-AGA)
- ☐ LP (145-AGA)
- ☐ LLC (144-LAD)
- ☐ Business Trust (144-LAD)
- ☐ Real Estate Investment Trust (144-LAD)

(3) Resignation of Agent
- ☐ Corp (155-AGR)
- ☐ LP (155-AGR)
- ☐ LLC (153-LAG)
- ☐ Partnership (153-LAG)
- ☐ Business Trust (153-LAG)
- ☐ Real Estate Investment Trust (153-LAG)

Name of Entity: L. J. DEWEESE CO., INC.

Charter, License or Registration No.: 254167

Name of Current Agent: CARL J HENCH

Complete the information in this section if box (1) is checked

Name and Address of New Agent

KRISTEN DILBONE
Name of Agent

3616 TIPP-COWLESVILLE RD.
Mailing Address

TIPP CITY — City
OH — State
45371 — ZIP Code

Complete the information in this section if box (1) is checked and business is an Ohio entity

ACCEPTANCE OF APPOINTMENT FOR DOMESTIC ENTITY'S AGENT

The Undersigned, KRISTEN DILBONE (Name of Agent), named herein as the

statutory agent for L. J. DEWEESE CO., INC. (Name of Business Entity), hereby acknowledges

and accepts the appointment of statutory agent for said entity.

Signature: KRISTEN DILBONE

Individual Agent's Signature/Signature on behalf of Business Serving as Agent

Complete the information in this section if box (2) is checked

New Address of Agent

Mailing Address

City

OH

State

ZIP Code

Complete the information in this section if box (3) is checked

The agent of record for the entity identified on page 1 resigns as statutory agent.

Current or last known address of the entity's principal office where a copy of this Resignation of Agent was sent as of the date of filing or prior to the date filed.

Mailing Address

City

State

Zip Code

By signing and submitting this form to the Ohio Secretary of State, the undersigned hereby certifies that he or she has the requisite authority to execute this document.

Required

Agent update must be signed by an authorized representative (see instructions for specific information).

If authorized representative is an individual, then they must sign in the "signature" box and print their name in the "Print Name" box.

If authorized representative is a business entity, not an individual, then please print the business name in the "signature" box, an authorized representative of the business entity must sign in the "By" box and print their name in the "Print Name" box.

L. J. DEWEESE CO., INC.

Signature

KRISTEN DILBONE

By (if applicable)

Print Name

Signature

By (if applicable)

Print Name

Prescribed by **J. Kenneth Blackwell**

Please obtain fee amount and mailing instructions from the **Forms Inventory List** (using the 3 digit form # located at the bottom of this form). To obtain the **Forms Inventory List** or for assistance please call Customer Service:
Central Ohio: (614)-466-3910 Toll Free: 1-877-SOS-FILE (1-877-767-3453)

2001 OCT 10 PM 2:10

SUBSEQUENT APPOINTMENT OF AGENT

L. J. DEWEESE CO., INC. 254167 hereby appoints
(Name of Corporation)

Carl J. Hench — 3614 Tipp-Cowlesville Road
(name of agent) (street and number)

Tipp City, Ohio 45371
(city, village or township) (zip code)

NOTE: **P.O. Box addresses are not acceptable.**

to succeed M.L. DeWeese as agent upon whom any process,
(Name of Former Agent)
notice or demand required or permitted by statute to be served upon the corporation may be served.

This line is to be signed by a corporate officer.

Signature: x Carl J Hench
Carl J. Hench
Title: President

Acceptance of Appointment

The undersigned, Carl J. Hench named herein as the statutory agent for L.J. DeWeese Co., Inc. hereby acknowledges and accepts the
(Name of Corporation)
appointment of statutory agent for said corporation.

x Carl J Hench
(Statutory Agent)
Carl J. Hench

DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
10/11/2001	200128400756	DOMESTIC AGENT SUBSEQUENT APPOINTMENT (AGS)	25.00	.00	.00	.00	.00

Receipt

This is not a bill. Please do not remit payment.

PEELLE LAW OFFICES CO L P A
1929 ROMBACH AVE
PO BOX 950
WILMINGTON, OH 45177

STATE OF OHIO

Ohio Secretary of State, J. Kenneth Blackwell

254167

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

L. J. DEWEESE CO., INC.

and, that said business records show the filing and recording of:

Document(s)	Document No(s):
DOMESTIC AGENT SUBSEQUENT APPOINTMENT	**200128400756**

United States of America

Witness my hand and the seal of the Secretary of State at Columbus, Ohio this 10th day of October, A.D. 2001.

J. Kenneth Blackwell

View assistance for SAM.gov

SAM SYSTEM FOR AWARD MANAGEMENT

A NEW WAY TO SIGN IN - If you already have a SAM account, use your **SAM email** for login.gov.

Log In

Login.gov FAQs

⚠ ALERT: SAM.gov will be down for scheduled maintenance Saturday, 07/18/2020 from 8:00 AM to 10:00 PM

⚠ ALERT: CAGE is experiencing intermittent service interruptions. SAM registrants may encounter an error validating a CAGE Code. If this happens, please try again later.

Search Results

Current Search Terms: L .J. Deweese Co., Inc.*

Total records:0

Save PDF | Export Results | Print

Result Page:

Sort by Relevance Order by Descending

Your search for L .J. Deweese Co., Inc.* returned the following results...

No records found.

Result Page:

Save PDF | Export Results | Print

GSA

DIM P-20200626 1452
WWW8

Search Records
Data Access
Check Status
About
Help

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GSA.gov
USA.gov

This is a U.S. General Services Administration Federal Government computer system that is "FOR OFFICIAL USE ONLY." This system is subject to monitoring. Individuals found performing unauthorized activities are subject to disciplinary action including criminal prosecution.

Bidder is

An Individual
Firm Name _____

Business Address _____

Telephone _____

Partnership
Firm Name _____

Members of Firm and
Their Business Address _____

_____

_____

Telephone _____

Corporation
Name L.J. DeWeese Co., Inc.

State of Incorporation Ohio

Name and Title of
Officers with Authority
to Sign Contract Kristen Dilbone, President

Jeremy Hench, Vice-President

Home Office Address 3616 Tipp-Cowlesville Rd., Tipp City, Ohio 45371

Local Address Same

Telephone (937) 440-1736 Fax (937) 440-0745

E-mail kldilbone@yahoo.com

Federal I.D.# 31-0602186

Dated this 18 day of June, 2020

Bidder: Kristen Dilbone Digitally signed by Kristen Dilbone
Date: 2020.06.16 13:47:33 -04'00'

(Person, Firm, or Corporation)

By: Kristen Dilbone

Title: President

https://bid.questcdn.com/questbid/action/worksheetConnector?command=viewS20008&mbNo=28637&jobNo=70834...

bid.questcdn.com/questbid/action/worksheetConnector?command=viewS20008&mbNo=28637&jobNo=70834...

Contract Number:	7083416
Contractor ID:	6596932
Bond ID:	SOH20374408
BondType:	0001
BondForm:	Bid Bond in accordance with Contract Specifications
BidDate:	6/18/2020
JobDescription:	West Third Street Water Main Improvements
BidSecurity:	1500000
BidSecurityPercent:	10
BidSecurityMaximum:	1500000

SURETY 2000
INSURANCE DOCUMENT MANAGER

Insurance Document Management System 3.0

Bond Number: SOH20374408

Contractor Information

Principal: L J DeWeese Co. Inc
Address: 3616 Tipp-Cowlesville Rd Tipp City Ohio 45371 United States

Owner/Obligee Information

Bond Form: Bid Bond in accordance with Contract Specifications
Owner/Obligee: Ohio Department of Transportation
Address: 1980 W Broad Street Columbus Ohio 43223 United States

Bond Information

Surety: Western Surety Company
Bid Date: 6/18/2020
Estimated Contract Price: 1500000
Time For Completion: 02/28/2021
Liquidated Damages: 1000/day
Estimated Work On Hand:
Amount of Bid Security: 1500000
Contract # or IFB #: 7083416
Description of Job: West Third Street Water Main Improvements
Job Breakdown:

Electronic Bidding Information

Bid Security Percentage: 10
Bid Security Maximum: 1500000
Owner Assigned Contractor Number:6596932

Primary Agency:

Arnold Insurance Agency Inc
Power of Attorney Limited to: unlimited
Executed
Entered By: Mark Arnold - 6/9/2020 1:06:56 PM ET
Approved & Executed By:

Mark Arnold

Mark Arnold (Signed: 09-Jun-2020 01:07 PM EDT (UTC-04:00))
Signature Information

Know all men by these presents that Western Surety Company, a Corporation duly organized under the laws of the State of South Dakota, are held and firmly bound unto the above owner/obligee by this transmission. The surety agrees to waive the Statute of

Fraud defense and further agrees that the owner/obligee is a third party beneficiary of the waiver for the purposes of enforcing this bid bond.

© S2000, Inc.

Document ID: S2000-1001054301

SURETY 2000 INSURANCE DOCUMENT MANAGER

Insurance Document Management System 3.0

City of Dayton - David Escobar

Bond Number: SOH20374408

Contractor Information

Principal: L J DeWeese Co. Inc 937-440-1736
Address: 3616 Tipp-Cowlesville Rd Tipp City Ohio 45371 United States
Contractor's State Vendor ID Number: 6596932

Owner/Obligee Information

Bond Form: Bid Bond in accordance with Contract Specifications
Owner / Obligee: Ohio Department of Transportation
Address: 1980 W Broad Street Columbus Ohio 43223 United States

Bond Information

Surety: Western Surety Company
Rider Present: Click here to view
Amount of Bid Security: 1500000
Contract ID Number: 7083416
Description of Job: West Third Street Water Main Improvements

View AMBest Information Treasury List

Primary Agency:
Arnold Insurance Agency Inc
Power of Attorney Limited to: unlimited
Executed

Executed By:
Mark Arnold - 6/9/2020 1:07:02 PM ET
Phone: 614-863-0455
Email: brittany@arnoldinsuranceagency.com

Know all men by these presents that Western Surety Company, a Corporation duly organized under the laws of the State of South Dakota, are held and firmly bound unto the above owner/obligee by this transmission. The surety agrees to waive the Statute of Fraud defense and further agrees that the owner/obligee is a third party beneficiary of the waiver for the purposes of enforcing this bid bond.

© S2000, Inc.
Privacy Policy

WE'RE HERE TO HELP

Office of Risk Assessment
50 West Town Street
Third Floor - Suite 300
Columbus,Ohio 43215
(614)644-2658
Fax(614)644-3256
www.insurance.ohio.gov

Ohio Department of Insurance

Mike DeWine - Governor

Jillian Froment - Director

Certificate of Compliance

Issued 03/24/2020

Effective 04/02/2020

Expires 04/01/2021

I, Jillian Froment, hereby certify that I am the Director of Insurance in the State of Ohio and have supervision of insurance business in said State and as such I hereby certify that

WESTERN SURETY COMPANY

of South Dakota is duly organized under the laws of this State and is authorized to transact the business of insurance under the following section(s) of the Ohio Revised Code:

Section 3929.01 (A)

Fidelity

Other Liability

Surety

WESTERN SURETY COMPANY certified in its annual statement to this Department as of December 31,2019 that it has admitted assets in the amount of $2,101,389,646, liabilities in the amount of $533,948,430, and surplus of at least $1,567,441,217.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused my seal to be affixed at Columbus, Ohio, this day and date.

WESTERN SURETY COMPANY
Sioux Falls, South Dakota
Statement of Net Admitted Assets and Liabilities
December 31, 2019

ASSETS

Bonds	$	1,943,152,245
Stocks		27,166,227
Cash, cash equivalents, and short-term investments		27,903,793
Receivables for securities		-
Investment income due and accrued		17,854,019
Premiums and considerations		56,706,652
Amounts recoverable from reinsurers		1,307,522
Current federal and foreign income tax recoverable and interest thereon		2,678,469
Net deferred tax asset		11,798,536
Receivable from parent, subsidiaries, and affiliates		12,821,583
Other assets		601
Total Assets	$	2,101,389,646

LIABILITIES AND SURPLUS

Losses			$	206,051,147
Loss adjustment expense				52,124,445
Commissions payable, contingent commissions and other similar charges				9,862,381
Other expenses (excluding taxes, license and fees)				3,624
Taxes, License and fees (excluding federal and foreign income taxes)				3,875,999
Federal and foreign income taxes payable				-
Unearned premiums				248,521,840
Advance premiums				6,112,006
Ceded reinsurance premiums payable (net of ceding commissions)				1,673,524
Amounts withheld or retained by company for account of others				5,332,206
Provision for reinsurance				290,516
Payable to parent, subsidiaries and affiliates				2,905
Payable on security transactions				-
Other liabilities				97,836
Total Liabilities			$	533,948,430
Surplus Account:				
Common stock	$	4,000,000		
Gross paid in and contributed surplus		280,071,837		
Unassigned funds		1,283,369,380		
Surplus as regards policyholders			$	1,567,441,217
Total Liabilities and Capital			$	2,101,389,646

I, Amy Smith, Senior Vice President of Western Surety Company hereby certify that the above is an accurate representation of the financial statement of the Company dated December 31, 2019, as filed with the various Insurance Departments and is a true and correct statement of the condition of Western Surety Company as of that date.

WESTERN SURETY COMPANY

By Amy Smith
Senior Vice President

Subscribed and sworn to me this 11 day of March 2020
My commission expires:

By Yolanda Jimenez
Notary Public

YOLANDA JIMENEZ
OFFICIAL SEAL
Notary Public, State of Illinois
My Commission Expires
September 24, 2021

BID BOND

Amount $ _____

We, the undersigned, are held and firmly bound unto the City of Dayton, Ohio in the sum

of _____ Dollars, for the payment of which well and truly to be made, we hereby, jointly and severally, bind ourselves, our heirs, executors, and administrators, firmly by these presents.

The condition of this obligation is such that, if the Bid attached hereto is accepted and the Contract award to the bidder,

_____

named therein, and the said bidder shall within ten (10) days after being notified that said contract has been awarded to the bidder, enter into a Contract in the form acceptable to the Director and give bond in a form to be furnished by the Director, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

Signed at Dayton, Ohio, this _____ day of _____ , 20_____ .

_____

_____
Bidder

_____

_____
Surety

_____
Name of Insurance Agency

_____
Address of Insurance Agency

Telephone_____ FAX_____

CITY OF DAYTON, OHIO
Department of Public Works

Responsible Contractor Bidding Requirements
(Form 1 of 3)

In accordance with Ordinance No. 31487-16 of the City of Dayton, Ohio Revised Code of General Ordinances,

I, Kristen Dilbone hereby certify that
(print name – an Officer of the company)

President meets the following Contractor requirements relating
(company)
to this City of Dayton construction project

Check All That Apply:

☑ Comply with all City of Dayton income tax obligations and requirements

☑ Maintain worker's compensation insurance for all employees as required by the State of Ohio

☑ Comply with State or Federal prevailing wage rate laws, as applicable and required by the funding of this project

☑ Comply with the State of Ohio Bureau of Worker's Compensation Drug Free Workplace Policy

☑ Maintain an unemployment compensation insurance policy registered with the State of Ohio Department of Job and Family Services

☑ Made a good faith effort to contract with one or more qualified minority business enterprises to perform work required by this project, in accordance with bid documents, ordinances, and applicable Federal and State law

By: Kristen Dilbone Digitally signed by Kristen Dilbone Date: 2020.06.16 13:48:03 -04'00'
(signature)

Title: President

Date: June 18, 2020

CITY OF DAYTON, OHIO
Department of Public Works

Responsible Contractor Bidding Requirements
(Form 2 of 3)

A. Please provide a complete listing of the fringe benefits provided to employees, including but not limited to health insurance and retirement benefits.

SRA- Medical

401(k)- Retirement

B. Please identify any "bona fide apprentice training program" in which this company participates in accordance with the Ohio Bureau of Apprenticeship Training and the U. S. Department of Labor.

N/A

C. Please provide a list of subcontractors whose quotes or information are included or used in the bid submitted for this project.

WC Jones Asphalt Paving

EWOL Trucking & Construction

Davida's Trucking

CITY OF DAYTON, OHIO
Department of Public Works

Responsible Contractor Bidding Requirements
(Form 3 of 3)

D. Please provide a list of all minority business enterprises contacted for the purpose of obtaining quotes to perform work for this project.

WC Jones Asphalt Paving

EWOL Trucking & Construction

Davida's Trucking

E. Provide a complete listing of any determinations of the bidder's violations of federal, state, or local laws, including a list of all citations, orders, or recommendations issued to or against the bidder within the previous 3 years.

- NONE-

CERTIFICATION
OF COMPLIANCE WITH OHIO REVISED CODE SECTION 3517.13
FOR CONTRACTS IN EXCESS OF FIVE HUNDRED DOLLARS ($500.00)

STATE OF OHIO,
COUNTY OF Miami ,ss:

Kristen Dilbone, President being duly sworn, deposes and states as follows:

1. I am duly authorized to make the statements contained herein on behalf of L.J. DeWeese Co., Inc. ("the Contracting Party").

2. The Contracting Party is a/an (select one):

   ☐ Individual, partnership, or other unincorporated business association (including without limitation, a professional association organized under Ohio Revised Code Chapter 1785), estate, or trust.

   ☑ Corporation organized and existing under the laws of the State of Ohio .

   ☐ Labor organization.

3. I hereby affirm that the Contracting Party and each of the individuals specified in R.C. 3517.93(I)(3) (with respect to non-corporate entities and labor organizations) or R.C. 3517.93(J)(3) (with respect to corporations) are in full compliance with the political contributions limitations set forth in R.C. 3517.93(I) and (J), as applicable. I understand that a false representation on this certification constitutes a felony of the fifth degree pursuant to R.C. 3517.93(AA) and 3517.992(R)(3). Any contract that contains a falsified certification shall be rescinded.

By: Kristen Dilbone Digitally signed by Kristen Dilbone Date: 2020.06.16 13:49:57 -04'00'

Title: President

CITY OF DAYTON
CONTRACTOR NON-COLLUSION AFFIDAVIT

STATE OF Ohio)
COUNTY OF Miami) SS:
)

Kristen Dilbone, being first duly sworn deposes and states that:

(1) He/she is President of
(owner, partner, officer, representative, or agent)
L.J. DeWeese Co., Inc. that
(business or organization name)

(2) He/She is fully informed respecting the preparation and contents of the attached Bid and all pertinent circumstances respecting such Bid.

(3) Such offering is genuine and is not a collusive or sham offering

(4) Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived, or agreed, directly or indirectly with any other Bidder, firm or person to submit a sham Bid in connection with the Contract for which the attached Bid has been submitted or to refrain from offering in connection with such contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, or to secure through collusion, conspiracy, connivance or unlawful agreement any advantage against the City of Dayton, its employees, or citizens.

(5) The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest including the affiant.

Kristen Dilbone Digitally signed by Kristen Dilbone Date: 2020.08.16 13:50:40 -04'00'
SIGNED

President
TITLE

AFFIRMATIVE ACTION PROGRAM
EQUAL EMPLOYMENT OPPORTUNITY

PROJECT: West Third St. Water Main Improvements — Dayton, Ohio
NAME — LOCATION

During the performance of this contract:

L.J. DeWeese Co., Inc.	3616 Tipp-Cowlesville Rd., Tipp City, Ohio 45371	937-440-1736/ 937-440-0745
CONTRACTOR	ADDRESS	TELEPHONE / FAX

being the general contractor, assumes the responsibility and obligation to institute an Affirmative Action Program which complies with revised City Ordinances 24059 and 26090 and Executive Order 11246 on any city, federal or federally-assisted construction project, to insure Equal Employment Opportunity regardless of race, color, religion, sex, national origin, ancestry, place of birth, age, or marital status.

The successful contractor using one or more trades of construction employees must comply with Part I of these Affirmative Actions Program conditions to each such trade.

Part I: Requirements. To be eligible for award of a contract under this Invitation to Bid, contractors must certify as prescribed in Paragraph 1a, of the certification specified in Part II hereof that it adopts the minimum goals and timetables of minority and female worker utilization, and specific Affirmative Action steps set forth in Sections 1 and 2 of this Part I.

1.) **Goals & Timetables**. The goals of minority and female worker utilization required of the contractor are applicable to each trade which will be used on any project in Greene, Miami, Montgomery, and Preble Counties, OH (hereinafter the Economic Area).

The required goals and timetables are as follows:

	Goals of Minority Worker Utilization Expressed in Percentage Terms
From 1/1/2000 to Present	11.5%

	Goals of Female Worker Utilization Expressed in Percentage Terms
From 4/1/80 to Present	6.9%

The percentage goals of minority and female worker utilization are expressed in terms of working hours of training and employment as a proportion of the total working hours to be worked by the contractor's entire work force in that trade on all projects (both federal and non-federal) in the Economic Area during the performance of this contract. The working hours for minority and female work and training must be uniform throughout the length of this contract, on all projects and for each of the trades. Further, the transfer of minority and/or female or trainee from employer-to-employer or from project-to-project for the sole purpose of meeting the contractor's goals shall be a violation of this Affirmative Action Program.

In reaching the goals for minority and female utilization, every effort shall be made to find and employ qualified journey-persons. Provided, however, and pursuant to the requirements of the Department of Labor Regulations, 29 CFR 5a.3, twenty-five percent (25%) of apprentices or trainees shall be employed on all projects and shall be in their first year of training, where feasible.

In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the contractor during the training period, and the contractor must have made a commitment to employ the apprentices and/or trainees at the completion of the training subject to the availability of employment opportunities. Apprentices and trainees must be trained pursuant to programs which have been approved by The U.S. Department of Labor and/or The State of Ohio.

A contractor shall be deemed to be in compliance with the terms and requirements of this Part I by the employment and training of minorities and females in the appropriate percentage of the contractor's aggregate work force in the Ecomonic Area for each trade for which it is committed to the goals under Part I.

However, no contractor shall be found to be in noncompliance solely on account of the contractor's failure to meet the goals and timetables, but such contractor shall be given the opportunity to demonstrate that all of the specific Affirmative Action steps specified in Part I have been instituted and has made every "good faith" effort to make these steps work towards the attainment of the goals and timetables.

2.) **Specific Affirmative Action Steps**. A contractor subject to Part I, must engage in Affirmative Action directed at increasing minority and female utilization, which is at least as extensive and as specific as the following steps:

a) The contractor shall notify community organizations that the contractor has employment opportunities available and shall maintain records of the organizations' responses.

b) The contractor shall maintain a file of the names and addresses of each minority and female referred and what action was taken with respect to each referred worker. If the worker was not employed, the reason therefor. If the worker was not sent to the union hiring hall for referral, the contractor's file shall document this and the reasons therefore.
c) The contractor shall promptly notify the Dayton Human Relations Council (HRC) when the union or unions with which the contractor has a collective bargaining agreement has not referred to the contractor a minority and/or female, or when the contractor has other information that the union referral process has impeded the contractor's efforts to meet its obligations.

d) The contractor should participate in training programs in the area; especially those approved by the U.S. Department of Labor and/or the State of Ohio.

e) The contractor shall disseminate the EEO Policy within the organization by including it in any policy manual, by publicizing it in company newspapers, annual reports, etc.; by conducting staff, employee and union representatives' meetings to explain and discuss the policy; by posting of the policy; and by specific review of the policy with minority and female employees.

f) The contractor shall ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites and in all facilities at which the contractor's employees are assigned to work. The contractor, where possible, will assign two or more women to all projects (both federal and non-federal) in the Economic Area during the performance of its contract or subcontract.

g) The contractor shall make specific and constant personal (both written and oral) recruitment efforts directed at all minority and female organizations, schools, minority and female recruitment training organizations with the Dayton Economic Area.

h) The contractor shall make specific efforts to encourage present minority and female employees to recruit other minorities and females.

i) The contractor shall validate all tests and other selection requirements.

j) The contractor should develop on-the-job training opportunities; participate and assist in any association or employer-group training programs relevant to the contractor's employees needs consistent with its obligations under Part I.

k) The contractor shall evaluate all minority and female personnel for promotional opportunities and encourage employees to seek such opportunities.

l) The contractor shall ensure that seniority practices, job classifications, etc., do not have a discriminatory effect.

m) The contractor shall make certain that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.

n) The contractor will monitor all personnel activities to ensure that its EEO Policy is being carried out.
o) The successful contractor shall solicit bids for work to be performed on this project under a subcontract from minority and female contractors and other business associations.

3.) Nothing herein is intended to relieve any contractor during the term of this project from compliance with any other local bid requirements. Further, it shall be the responsibility of each contractor to comply with all terms, conditions, and provisions of the Affirmative Action Programs.

Part II: Contractor's Certification. A contractor will not be eligible for award of a contract under this Invitation to Bid, unless such contractor has submitted as a part of the bid the following certification, which will be deemed a part of the resulting contract:

CONTRACTOR'S CERTIFICATION

L.J. DeWeese Co., Inc. (Contractor) certifies that:

1. The following listed construction trades will be used in performance of this project.

Laborer

Cement Mason

Operator

a) as to those trades set forth in the preceding paragraph one hereof, it adopts the minimum minority and female utilization goals and the specific Affirmative Action steps contained in this Affirmative Action Program. Compliance is measured in each trade of the contractor's aggregate work force for all construction work (both federal and non-federal) in the four Counties (Greene, Miami, Montgomery and Preble) subject to this Affirmative Action Program; and

b) the successful contractor will obtain from each subcontractor and submit to the contracting or administering agency prior to the award of any subcontract under this contract, the subcontractor certification required by the Affirmative Action Program.

SIGN: Kristen Dilbone Digitally signed by Kristen Dilbone Date: 2020.06.18 09:32:56 -04'00'

(Signature of Authorized Representative of Bidder)

FAILURE TO SIGN AND SUBMIT THIS DOCUMENT WITH YOUR BID WILL RESULT IN YOUR BID NOT BEING READ

BACK

City Manager's Report

From **2600 - Economic Development**

Date **July 15, 2020**

Expense Type **Other, (See Description Below)**

Supplier, Vendor, Company, Individual

Total Amount **$**N/A

Name 2J Supply, Inc.

Address 872 Valley Street
Dayton, Ohio 45404

Fund Source(s)	Fund Code(s)	Fund Amount(s)
N/A	N/A	$ N/A

Includes Revenue to the City ☐ Yes ☑ No **Affirmative Action Program** ☐ Yes ☐ No ☑ N/A

Description

Enterprise Zone Agreement – 2J Supply, Inc.

The Department of Economic Development requests approval to enter into an Enterprise Zone Agreement with 2J Supply, Inc., currently located at 872 Valley Street. The Company intends to construct a new 55,250 square foot warehouse and headquarters facility at 1450 N. Keowee Street. The Company will invest no less than $5,350,000 in the project, retain 34 full-time positions and create a minimum of five (5) new full-time positions.

The Enterprise Zone Agreement will support the project by providing the Company with a 75% abatement of real property taxes on the new improvements for a period of ten years following completion of the project. No exemption shall commence after the 2021 tax year nor extend beyond the 2031 tax year.

The Department of Law has reviewed and approved the Agreement as to form and correctness.

Signatures/Approval

Division Fred P. Weber

Department

City Manager

Approved by City Commission

Clerk

Date

FORM NO. MS-16

Updated 8/2016

MEMORANDUM | DAYTON

July 1, 2020

TO: Shelley Dickstein, City Manager

FROM: Ford P. Weber, Director FPW
Department of Economic Development

SUBJECT: Enterprise Zone Agreement with 2J Supply, Inc.

The Department of Economic Development is requesting adoption of the attached Enterprise Zone Agreement with 2J Supply, Inc., currently located at 872 Valley Street.

The Company intends to construct a new 55,250 square foot warehouse and headquarters facility at 1450 N. Keowee Street. The Company will retain 34 full-time positions and create a minimum of five (5) new full-time positions.

The Enterprise Zone Agreement will support the project by providing the Company with a 75% abatement of real property taxes on the new improvements for a period of ten years following completion of the project. No exemption shall commence after the 2021 tax year nor extend beyond the 2031 tax year.

The Department of Law has reviewed and approved the Agreement as to form and correctness. If you have any questions, please contact me at extension 3621.

FPW

ENTERPRISE ZONE AGREEMENT #271
(2J SUPPLY, INC.)

THIS ENTERPRISE ZONE AGREEMENT #271 ("Agreement") is dated this _____ day of _____, 2020 between the **City of Dayton, Ohio**, a municipal corporation in and of the State of Ohio, (hereinafter referred to as the "City") and **2J Supply, Inc.,** a corporation authorized to conduct business in the State of Ohio with offices located at 872 Valley Street, Dayton, Ohio 45404, (hereinafter the "Enterprise").

WITNESSETH THAT:

WHEREAS, The City encourages the development of real property and the acquisition of personal property in the areas designated as Enterprise Zones; and,

WHEREAS, By Resolution No. 4603-94 approved July 27, 1994, the Commission of the City of Dayton designated certain areas of the City as an "Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Ohio Revised Code, and declared that incentives for businesses offered by such Zones will enhance efforts to promote the viable and diverse economic activity necessary for rejuvenation of the Zones; and,

WHEREAS, Effective August 17, 1994, the Director of Development of the State of Ohio determined that the areas designated by the Commission of the City of Dayton in Resolution No. 4603-94 contain the characteristics set forth in Section 5709.61(A) of the Ohio Revised Code, and certified said areas as an "Urban Jobs and Enterprise Zone" under Chapter 5709 of the Ohio Revised Code; and,

WHEREAS, The City is willing to provide the Enterprise with the incentives available for development in an "Urban Jobs and Enterprise Zone" under Chapter 5709 of the Ohio Revised Code; and,

WHEREAS, The Enterprise desires to construct a new warehouse and headquarters facility within the city of Dayton; and,

WHEREAS, The Enterprise will invest not less than Five Million Three Hundred Fifty Thousand Dollars and Zero Cents ($5,350,000.00) nor more than Six Million Dollars and Zero Cents ($6,000,000.00) to construct a new warehouse facility at 1450 N. Keowee Street in the City of Dayton, or at a corresponding address identified by the City as part of the customary permitting process ("Property"); and,

WHEREAS, The Property is located within a designated Enterprise Zone and the Enterprise seeks to obtain the development incentives that are available to an enterprise that creates and retains job opportunities in the Zone; and,

WHEREAS, The Enterprise submitted an "Application For A Proposed Agreement" to the City pursuant to Section 5709.62(B) of the Ohio Revised Code, which is attached hereto as Attachment A; and,

WHEREAS, The Enterprise's Application has been investigated and the City Manager recommended approval of the Application to the Commission of the City of Dayton on the basis that the Enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Enterprise Zone and to improve the economic climate of the City; and,

WHEREAS, The Property is also located in the Dayton School District, and the Dayton School Board has been notified in accordance with Section 5709.83 of the Ohio Revised Code, and been given a copy of the application; and,

WHEREAS, Pursuant to Sections 5709.62(C)(1) and 5709.631 of the Ohio Revised Code, the parties set forth their agreement with regard to the matters hereinafter contained.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and the benefits to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project Investment Promise

The Enterprise will conduct its business operations within the City of Dayton by: (1) Constructing an approximately 55,250 square foot warehouse facility on the Property (more specifically described as Montgomery County Auditor Parcels R72-05705-0056, R72-05713-0005, R72-05713-0011, R72-05713-0013, R72-05713-0014, and R72-05713-0021 which will be consolidated in a new plat at a later date); and (2) Acquiring new machinery and equipment, which are hereinafter referred to as ("Project"). Pursuant to Section 5709.631(A)(2) of the Ohio Revised Code, the Project investment to be made by the Enterprise includes the construction of a warehouse facility having an estimated cost of Five Million Three Hundred Fifty Thousand Dollars and Zero Cents ($5,350,000.00) to Six Million Dollars and Zero Cents ($6,000,000.00).

The Project will begin on or after July 31, 2020 and the construction of the new warehouse facility, purchase of machinery and equipment will be completed on or before March 31, 2021. The total investment for this Project is greater than ten percent (10%) of the market value of the Property and improvements thereon as represented on the Enterprise Zone Application.

Section 2. Tax Abatement

A. Real Property Tax Exemption. Pursuant to Section 5709.62(C)(1)(b) of the Ohio Revised Code, the City grants the Enterprise a tax exemption for the real property improvements made under the Project. Said exemption shall cover seventy-five percent (75%) of the increased value of the real property as a result of the Project. The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after the 2021 tax year nor extend beyond the 2031 tax year.

B. Non-abated Taxes. The Enterprise shall pay such real and tangible personal property taxes as are not exempted under this Agreement and charged against such Property and shall file all tax reports and returns as required by law. If the Enterprise fails to pay such

taxes or to file such returns and reports, all incentives granted under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter.

Section 3. Survival of Tax Exemptions Granted

Pursuant to Section 5709.631(B)(6) of the Ohio Revised Code, if for any reason the enterprise zone designation expires, the Director of the Ohio Department of Development revokes certification of the zone, or the City revokes the designation of the zone, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Enterprise materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation granted under this Agreement.

Section 4. Project Employment Promise

The Enterprise currently operates with Thirty-Four (34) full-time permanent employment positions at the existing facility in the City of Dayton. The Enterprise promises to relocate, retain and maintain these 34 full-time employment positions with an annual payroll of Two Million Two Hundred Thirty-Six Thousand Dollars and Zero Cents ($2,236,000.00) at the new facilities on the Property for not less than the entire tax exemption period.

As part of the Project and as a material condition of this Agreement, the Enterprise shall create five (5) additional permanent full-time employment positions at the facility on the Property with an annual payroll of Two Hundred Fifty Thousand Dollars and Zero Cents ($250,000.00). The Enterprise shall create and fill these additional five (5) employment positions with all five (5) positions created and filled not later than December 31, 2024. The Enterprise shall maintain these additional five (5) employment positions from the date of creation until expiration of the tax exemptions granted hereunder.

Section 5. Compliance

The Enterprise shall complete the Project, on the terms and conditions contained herein, and shall maintain the Project and remain in the Enterprise Zone as provided herein, for the entire period during which the Enterprise receives the tax exemptions granted under this Agreement.

If the Enterprise materially fails to fulfill its obligations under this Agreement, other than with respect to the number of employee positions estimated to be created or retained under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement is fraudulent, the City may terminate or modify the exemptions from taxation granted under this Agreement and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this Agreement.

In any three-year period during which this Agreement is in effect, if the actual number of employee positions created or retained by the Enterprise is not equal to or greater than seventy-five per cent of the number of employee positions estimated to be created or retained under this Agreement during that three-year period, the Enterprise shall repay the amount of taxes on property that would have been payable had the property not been exempted from taxation under this agreement during that three-year period. In addition, the City may terminate or modify the exemptions from taxation granted under this Agreement.

Section 6. Hiring

In accordance with Resolution No. 4627-94 adopted by the Commission of the City of Dayton, the Enterprise shall establish provisions for hiring the five (5) new full-time permanent employees promised in Section 4 above based on the following criteria:

A. The Enterprise shall make every possible effort to hire residents of the Enterprise Zone or the City of Dayton to fill not less than fifty percent (50%) of the new employment positions to be created hereunder. In the event that neither residents of the Enterprise Zone nor the residents of the City of Dayton are qualified to fill fifty percent (50%) of the new employment positions, the Enterprise may request a waiver of particular positions from the City Manager upon submission of the documentation set forth in Subsection C below.

B. The Enterprise shall establish and maintain a working relationship with City-designated job placement and employment organizations, such as the Montgomery County Job Center and the City's Priority Boards, to assist with employment recruitment and satisfaction of the employment promise set forth in Section 4.

C. The Enterprise shall document its efforts to hire personnel from the Enterprise Zone and the City of Dayton. Such documentation shall consist of, but not be limited to, newspaper advertisements, employment referrals from designated job placement or employment agencies and organizations, and job applications received, reviewed, and rejected. All documentation is subject to audit.

Section 7. Reporting Requirements and Certification of Eligibility

A. Reports and Forms. The Enterprise shall submit the following reports as required to maintain the status of the tax exemption. Each report shall include the name, address, zip code, and date of employment for each employee for purposes of verifying employment compliance. Each report shall also include the amount of total City of Dayton annual wage withholding taxes paid for the previous year.

i) Mid-Year Employment Status Report – must be filed with the City no later than the 10th day of June for each year this Agreement is in effect.

ii) Annual Certification of Investment and Employment – must be filed no later than the following 15th of January for each year this Agreement is in effect.

iii) The Enterprise must file the appropriate tax forms with the County Auditor and with the Ohio Department of Taxation to maintain the exemptions covered in this Agreement.

B. Continued Certification. In addition to the reports required above, the Enterprise shall provide to the proper tax incentive review council (the City of Dayton Tax Incentive Review Council ("TIRC")) any information the council reasonably requires to evaluate the Enterprise's compliance with the Agreement, including returns filed or annual reports filed pursuant to Section 5711.02 or 5727.08 of the Ohio Revised Code, if requested by the council. Upon receipt of requested information and the required reports demonstrating the Enterprise's compliance with the terms and conditions of this Agreement, the City will annually certify to the State of Ohio and to the Montgomery County Auditor that the Enterprise is eligible for the exemptions provided for herein.

Pursuant to Section 5709.85(C)(1) of the Ohio Revised Code, the TIRC, in determining whether the Enterprise has complied with the Agreement, shall take into consideration any fluctuations in the business cycle unique to the Enterprise and, on the basis of such determination, submit to the City written recommendations for continuation, modification, or cancellation of this Agreement.

Section 8. Fees and Payments

A. Annual Program Fee. The Enterprise shall pay the City an annual fee of Two Hundred Fifty Dollars and Zero Cents ($250.00) no later than June 10th of each year that this Agreement is in effect. All annual fee payments shall be made payable to the order of "The City of Dayton, Ohio" and sent to the attention of the City's Enterprise Zone Manager. The City shall deposit the annual fee in a special fund created for such purpose, and funds shall be used exclusively for complying with Section 5709.68 of the Ohio Revised Code and by the Tax Incentive Review Council created under Section 5709.85 of the Ohio Revised Code, exclusively for the purposes of performing the duties prescribed thereunder. It is understood and agreed that the City retains the right to modify, at any time and with the approval of the Commission of the City of Dayton, the annual fee, which the Enterprise agrees to pay; provided, however, that such annual fee does not exceed One Thousand Dollars and Zero Cents ($1,000.00).

Section 9. Enterprise Representations

A. Delinquent Taxes. The Enterprise certifies that at the time this Agreement is executed, the Enterprise does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which the Enterprise is liable under Chapter 5727, 5733, 5735, 5739, 5741, 5743, 5747, or 5753, of the Ohio Revised Code; or, if such delinquent taxes are owed, the Enterprise currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. Section 101, et seq., or such a petition has been filed against the Enterprise. For purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

B. No False Statements. The Enterprise affirmatively covenants that it has made no false statements to the State or political subdivision in the process of obtaining approval for the Enterprise Zone incentives. If any representative of the Enterprise has knowingly made a false statement to the State or political subdivision to obtain the Enterprise Zone incentives, the Enterprise shall be required to immediately return all benefits received under the Enterprise Zone Agreement pursuant to Section 9.66(C)(2) of the Ohio Revised Code and shall not be eligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to Section 9.66(C)(1) of the Ohio Revised Code. Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to Section 2921.13(D)(1) of the Ohio Revised Code.

Section 10. Non-Discrimination

A. Hiring. The City developed a policy to ensure recipients of Enterprise Zone tax benefits practice non-discrimination hiring in its operations. By executing this Agreement, the Enterprise is committing to following non-discriminatory hiring practices, and acknowledging that no individual may be denied employment solely based on race, religion, sex, disability, color, national origin, or ancestry.

B. Construction and Purchasing. The Enterprise shall use its best efforts to award its construction and purchase contracts as provided for in the Revised Code of General Ordinances (R.C.G.O.) of the City of Dayton, Sections 35.30 through 35.35, to assure participation by Minority Business Enterprise (MBE) and Female Business Enterprises (FBE) in order to reach the goal of 20% for MBE and 5% for FBE for construction projects and 5% for MBE and 2% for FBE for the procurement of goods and services.

Section 11. General Provisions

A. Ministerial Acts. The City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

B. Assignment or Transfer. This Agreement is not transferable or assignable without the express, written approval of the City.

C. Amendments. The City Manager is authorized, on behalf of the City, to execute any amendments to this Agreement that do not affect the term or percentage of the tax exemption as granted by the Commission of the City of Dayton.

D. Enforceability. The failure of any party hereto to enforce at any time any of the provisions of this Agreement shall in no way be construed to be a waiver of any such provision, nor in any way affect the validity of this Agreement or any part hereof, or the right of such party thereafter to enforce each and every such provision. No waiver of any breach of or noncompliance with this Agreement shall be held to be a waiver of any other or subsequent breach or noncompliance.

E. Revocation. Exemptions from taxation granted under this Agreement shall be revoked, if it is determined that the Enterprise, any successor enterprise, or any related member (as those terms are defined in Section 5709.61 of the Ohio Revised Code) has violated the prohibition against entering into this Agreement under Division (E) of Section 3735.671 or Sections 5709.62, 5709.63 or 5709.632 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.

F. Governing Law and Venue. This Agreement shall be governed and construed in accordance with the laws of the State of Ohio. By executing this Agreement, the Enterprise consents to the original jurisdiction of the courts located in Montgomery County, Ohio with regard to any controversy arising out of, relating to, or in any way concerning the execution or performance of this Agreement.

G. Mutual Benefit. The terms and provisions hereof shall bind and inure to the benefit of the parties hereto and each respective successors and City-approved assigns (including successive as well as immediate successors and assigns).

H. Effective Date. The Enterprise and City acknowledge that this Agreement must be approved by formal action of the legislative authority of the City as a condition for the agreement to take effect. This Agreement takes effect upon such approval.

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, the parties hereto intending to be legally bound, have each caused this Agreement to be executed by their duly authorized representative as of the date and year first above written.

2J SUPPLY, INC.

By: _____

Print Name : Jason Trimbach

Title: CEO

STATE OF Ohio)
)**SS:**
COUNTY OF Montgomery)

BE IT REMEMBERED that on the 24th day of June, 2020, before a Notary Public in and for said state and county personally came 2J Supply, Inc. by Jason Trimbach its CEO, who represented that (he/she) had full power and authority to bind same and acknowledged the signing thereof to be its and (his/her) voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year first above written

Diane M. Brodbeck
Notary Public

DIANE M. BRODBECK
NOTARY PUBLIC • STATE OF OHIO
My commission expires Mar. 9, 2024

CITY OF DAYTON, OHIO

_____
City Manager

STATE OF OHIO)
) **SS:**
COUNTY OF MONTGOMERY)

BE IT REMEMBERED that on the ___ day of _____, 2020, before a Notary Public in and for said county personally came the **City of Dayton, Ohio,** by

_____, its _____, who acknowledged the signing thereof to be its and (his/her) voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year first above written.

_____
Notary Public

APPROVED AS TO FORM
AND CORRECTNESS:

City Attorney

APPROVED BY THE COMMISSION
OF THE CITY OF DAYTON, OHIO:

_____, 2020

Min./Bk.:_____ Page:_____

_____
Clerk of the Commission

ATTACHMENT A

OHIO DEPARTMENT OF DEVELOPMENT

OHIO ENTERPRISE ZONE PROGRAM

APPLICATION FOR A PROPOSED AGREEMENT BETWEEN

THE CITY OF DAYTON, OHIO

AND THE ENTERPRISE

This Application MUST be Approved by the Dayton City Commission Prior to the Start of the Project for Which Development Incentives are Being Requested.

Contact Information

1. Enterprise Name(s) 2J Supply
2. Enterprise Address 872 Valley Street, Dayton, OH. 45404
3. Contact Person(s) Jason Trimbach

   Telephone Number 937 223 0811 Fax Number 937 223 0812

   Email Jasont@2-JSupply.com
4. Project Address 1450 N Keowee St., Dayton, OH 45404
5. Contact Person at Project Location: Larry Trimbach

   Telephone Number 937 603 8681 Fax Number _____

   Email Larryt@2-JSupply.com

Business Information

6. Nature of Business: Distribution (Wholesale, Distribution, etc.)
7. Name of Principal Owner(s) and Officer(s) Jason Trimbach, CEO; Kevin Trimbach COO; Greg Trimbach, Owner; Larry Trimbach, Owner
8. Form of Business : S Corp Partnership _____

   Proprietorship _____ LLC _____ Other _____
9. List 6 Digit NAICS Number(s) 238220
10. Is Business Seasonal? YES _____ NO X

Project Information

11. What are the Current Number of Employees — At Project Site? 0 (34 FTE in Dayton)

    In the Rest of Ohio? 49 FTE

    (Itemize Full-Time and Part-Time by Permanent or Temporary Status

    83 Full Time; 3 Part Time

12. If a Consolidation, What Are the Components? (Itemize Location, Assets, and Employment Positions to be Transferred)

13. Will The Project Result in the Relocation of Employment Positions or Assets From One OHIO Location to Another? YES X (within Dayton) NO _ (If NO, Go To #14)

    Supply the Following Information on a Separate Attachment:

    A. Location(s) From Which Employment and Assets Will Be Moved and Current Remaining Employment Level.
    B. Location(s) Where Employment and Assets Will be Moved To (the Project Site) and the Current Employment Level at Site.
    C. Detail the Number of Employees and Assets That Will be moved from Site 13 (A) to Site 13(B). (SEE BELOW)

14. Describe Project (Number of Square Feet, Relocation, Purchase Equipment):

The new 2-J Supply headquarters relocation project consists of a new 55,250 sq. ft. facility that will allow 2-J to continue to grow revenue and employment in the City of Dayton and secure a more efficient and modern work space. 2-J is making this move at the request of Dayton Children's to make room for Dayton Children's to expand their Main Campus on Valley Street to increase their level of community health services. 2-J Supply's family ownership has made a conscious decision to remain in the City of Dayton and work to renovate a blighted and economically distreesed part of the City visible from I-75.

15. The Enterprise Zone Project Will Begin July 31, 2020, and All Acquisition, Construction, and Relocation Will Be Completed By March, 2021 Provided A Tax Exemption Is Approved.

Employment Pledge Information

16. Estimate the Number of New Employees the Enterprise Intends to Hire at the Project Site. (ONLY Use Full-Time Equivalents of Permanent New Jobs.) 5

    State the Number of Years for Hiring New Position(s) (Must Be Less Than Five Years):

    4 Years.

Indicate The Number Of Jobs Pledged and Jobs Retained Below:

Jobs Pledged	Jobs Retained	
YR 1 2	YR 1 34	YR 6 39
YR 2 1	YR 2 36	YR 7 39
YR 3 1	YR 3 37	YR 8 39
YR 4 1	YR 4 38	YR 9 39
YR 5 1	YR 5 39	YR 10 39

NOTE: 50% of All New Hires Must Be Residents of the City or Enterprise Zone.

17. Estimate the Dollar Amount of Annual Payroll for Each Year:

New Jobs	Retained Jobs	
YR 1 $ 100,000	YR 1 $ 2,236,000	YR 6 $ 2,536,000
YR 2 $ 50,000	YR 2 $ 2,336,000	YR 7 $ 2,536,000
YR 3 $ 50,000	YR 3 $ 2,386,000	YR 8 $ 2,536,000
YR 4 $ 50,000	YR 4 $ 2,436,000	YR 9 $ 2,536,000
YR 5 $ 50,000	YR 5 $ 2,486,000	YR 10 $ 2,536,000

WAGE PER HR = $ 24.03 WAGE PER HR = $31.60

Investment Pledge Information

18. State the Market Value of the Existing Facility As Determined For Local Property Tax Information: $0 (Take From Tax Bill, the 100% Value of Improvements. Do NOT Include the Value of Land.)

19. State the Business' Total Current Investment in the Facility As Of the Proposal Submission: $0

20. Estimate the Dollar Amount to Be Invested By the Enterprise to Establish, Expand, Renovate or Occupy a Facility.

	Minimum	Maximum
Acquisition of Building	$0	$ 0
Acquisition of Land	$ 1,000,000	$ 1,400,000
Addition(s)/New Construction	$ 5,350,000	$ 6,000,000
Improvements to Existing Building(s)	$ 0	$ 0
Machinery and Equipment	$ 75,000	$ 125,000
Furniture and Fixtures	$ 25,000	$ 125,000
Inventory	$ 3,600,000	$ 6,500,000
TOTAL NEW PROJECT INVESTMENT	**$ 10,050,000**	**$ 14,150,000**

21. Has The Enterprise Previously Entered Into an Enterprise Zone Agreement With Any Local Legislative Authority at Any Site Where the Employment or Assets Will Be Relocated as a Result of This Proposal? YES _____ NO __X____ (If NO, Go To #23)

    A. List the Local Legislative Authorities, Date, and Term Of The Incentives for Each Enterprise Zone Agreement: _____

    _____

22. State The Reason The Enterprise Is Requesting Tax Incentives. Be as Quantitative as Possible.

To assist 2-J Supply to retain and increase jobs within the City of Dayton and to build and maintain a more cost effective headquarters facility to support future growth in Ohio. As a privately held, family-owned business, 2-J will invest $10 million up to $14 million in the new land and facility within an econically distressed and visible part of the City.

23. Submit ALL Of The Following Attachments:

    A. Specify the Following: a) Type of Building, b) Type of Renovation, c) Type and Amount of Machinery and Equipment, d) Type and Amount of Furniture and Fixtures, and e) Type and Amount of Inventory.
    B. Map of The Project Site at a Scale of 1 inch = 200 Feet, Including Parcel Identification Numbers.
    C. A Copy of the Last Tax Bill That Contained Current Tax Value of Land and Building(s) for Each Parcel.
    D. Financial Statements for Prior Three (3) Years.
    E. Financial Statement for Current Year-To-Date.
    F. Financial Projections for Three (3) Years.
    G. The Latest County Return on Tangible Personal Property, Form 920 or Form 945 If Inter-County.
    H. A List of Present Investment in Machinery, Equipment, Furniture, Fixtures, and Inventory.

Tax and Environmental Information

24. Does the Enterprise owe:

A. Any delinquent taxes to the State of Ohio or a political subdivision of the state?

Yes ☐ No X

B. Any money to the State or a state agency for the administration or enforcement of any environmental laws of the State?

Yes ☐ No X

C. Any other money to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?

Yes ☐ No X

D. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and / or case identification numbers (add additional sheets if necessary).

_____

_____

_____

Information Request Authorization

Submission of this application expressly authorizes the City of Dayton and/or Montgomery County to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item #21 and to review applicable confidential records.

As part of this application, the Enterprise may also be required to directly request from the Ohio Department of Taxation/City of Dayton Tax Division or complete a waiver form allowing the Ohio Department of Taxation/City of Dayton Tax Division to release specific tax records to the local jurisdictions considering the incentive request.

Applicant agrees to supply additional information upon request.

Certification

The applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefit as well as a fine of not more than $1,000 and/or a term of imprisonment of not more than six months.

2J Supply
(Name of Enterprise)

(Signature)

5-12-20
(Date)

Jason Trimbach CEO
(Typed Name and Title)

OFFICE USE ONLY

Recommended Type: (PLEASE CIRCLE ONE) Real Tangible Both

Recommended Rate: 75 % Recommended Term: 10 Years

ED Reviewer: Keith Klein

dayton children's

April 15, 2020

Shelley Dickstein
Dayton City Manager
101 West Third Street
Dayton, OH 45402

Dear Shelley:

As Dayton Children's continues to pursue its mission of meeting the health care needs of our region's children, we are constantly seeking ways to enhance our services and to expand and better utilize our infrastructure and facilities.

Toward that end, as Dayton Children's Main Campus continues to grow, I am pleased to inform you that we are entering into an agreement with a well-established local, family-owned business, 2-J Supply Company, to purchase their current corporate headquarters facility and property at 872 Valley Street. The property is currently bounded by Dayton Children's on both sides.

2-J Supply has long been a good neighbor and friend to Dayton Children's and wishes to remain and grow in the City of Dayton and Montgomery County as it relocates and seeks to establish a new corporate headquarters. They are a willing seller to Dayton Children's and are providing us with a valued opportunity to expand our campus and community services with this acquisition.

I am writing to encourage you in your capacity as an elected official and community leader to support and encourage 2-J Supply to remain in the local area. They are seeking to re-locate their corporate headquarters and grow employment in an economically distressed part of the City within the Davinci Project Target Re-investment Area.

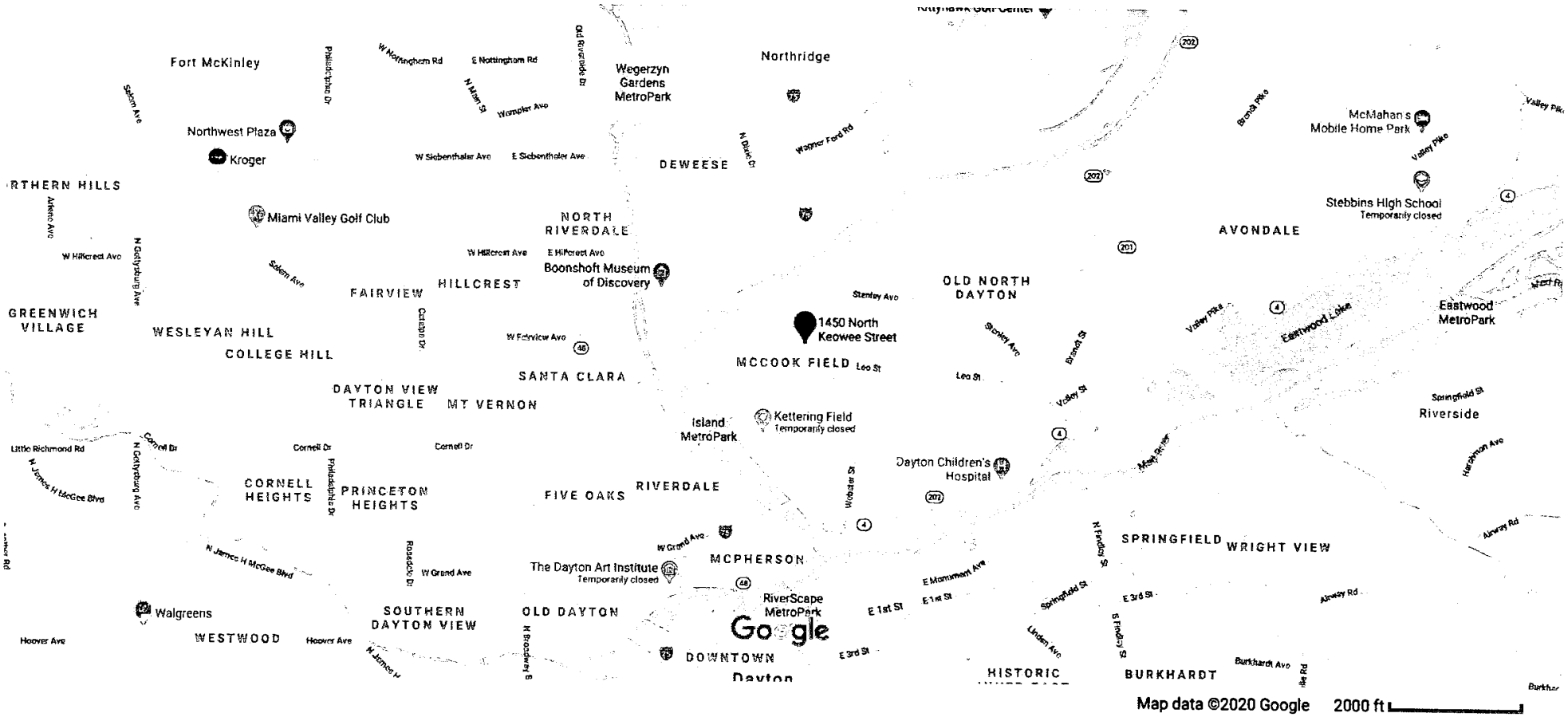
I trust and appreciate that you will make every appropriate effort to assist them in this regard. Thank you for your ongoing support of Dayton Children's and your time and attention to this matter.

Sincerely,

Deborah Feldman, President and CEO
Dayton Children's Hospital

cc: Mayor Nan Whaley

Google Maps 1450 N Keowee St



BACK

DRAFT

2nd reading L
3-25-20

BY: . . . . . NO . . . . . .

AN ORDINANCE

To Vacate Shaw Avenue from Great Miami Boulevard to the East Property Line of City Lot #13986.

WHEREAS, The City Commission did on the 22th day of April, 2020, by Resolution No. 6489-20, declare its intention to vacate Shaw Avenue from Great Miami Boulevard to the East Property Line of City Lot #13986; and,

WHEREAS, The Board of Revision of Assessments, after a hearing regularly held for the purpose of consideration of objections to said proposed vacation, as provided by the Charter of the City of Dayton, has recommended that Shaw Avenue from Great Miami Boulevard to the East Property Line of City Lot #13986; be vacated; and,

WHEREAS, The City Plan Board has approved said vacation; and,

WHEREAS, The vacation of Shaw Avenue from Great Miami Boulevard to the East Property Line of City Lot #13986; described herein will enable the abutting property owner to develop this property; and,

WHEREAS, The Commission is satisfied that there is good cause for said vacation and that it will serve the public interest and welfare and should be made; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That Shaw Avenue from Great Miami Boulevard to the East Property Line of City Lot #13986; being more particularly bounded and described in as follows:

Being all of the 50 foot Shaw Avenue from Great Miami Boulevard to the East Property line of City Lot #13986 is hereby vacated.

Section 2. The vacation shall be subject to the following conditions:

A. The area shall be marked in a manner acceptable to the Division of Civil Engineering to indicate that it is not public right-of-way.

B. The street openings at Great Miami Boulevard shall be removed and replaced with curb and walk, or a driveway shall be constructed. All work shall be completed within 90 days of the vacation and to City of Dayton standards.

C. The applicant shall contact Miami Valley Lighting to remove the City of Dayton from billing for the street light on Shaw Avenue.

D. Vectren shall retain an easement over, under, and through the Shaw Avenue for its existing two inch medium pressure gas main. With written consent from Vectren these facilities may be relocated or abandoned at the expense of the applicant.

E. DP&L shall retain a ten foot easement over, under, and through Shaw Avenue for its existing electric facilities. With written consent from DP&L these facilities may be relocated or abandoned at the expense of the applicant.

F. The City of Dayton Department of Water shall retain an easement over, under, and through the vacated area for its existing six inch water main, eight inch sanitary sewer, and twelve inch storm sewer. With written consent from City of Dayton Department of Water these facilities may be relocated or abandoned at the expense of the applicant.

Passed by the Commission . . . . ,2020

Signed by the Mayor . . . . , 2020

Nan Whaley

Mayor of the City of Dayton, Ohio

Attest:

Clerk of the Commission

Approved as to form:

City Attorney

MEMORANDUM | DAYTON

June 22, 2020

TO: Shelley Dickstein
City Manager

FROM: Keith Steeber, City Engineer KGS
Division of Civil Engineering

SUBJECT: The Vacation Shaw Avenue from Great Miami Boulevard to the East Property Line of City Lot #13986

Attached is the ordinance to vacate the subject property. Please present this legislation to the City Commission for their action.

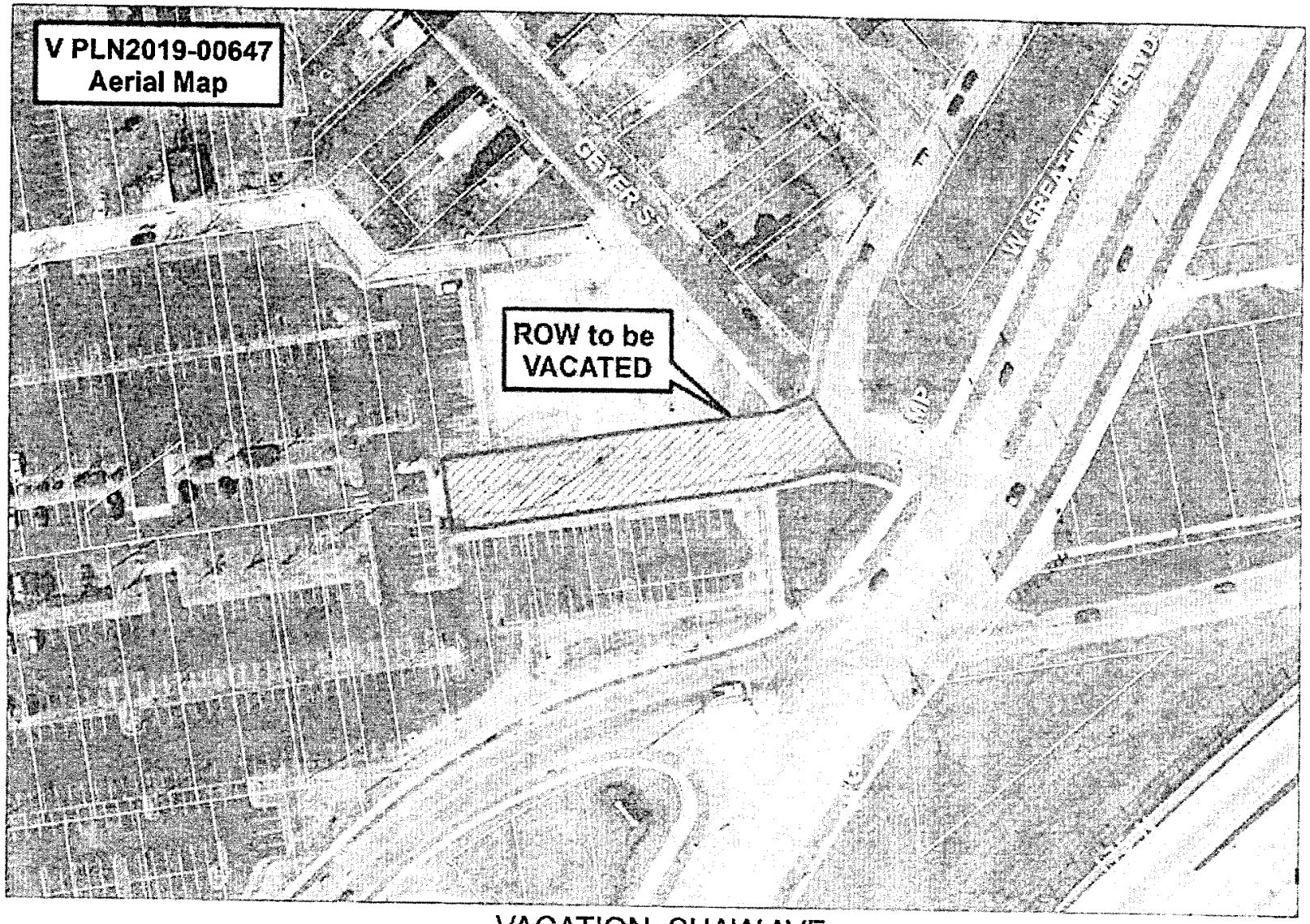
Petition No. 21476 requesting the vacation was received from Michael Tayler of Pinnacle Architects on March 9, 2020. Resolution No. 6489-20 declaring the Commission's intention to vacate was adopted on April 22, 2020. The Board of Revision of Assessments recommended the vacation on June 9, 2020. The vacation will enable the abutting property owners to develop this property.

If you have any additional questions, please contact Joe Weinel at extension 4218.

JRW

Attachments

cc: Ms. Clements
Mr. Parlette
Department of Planning
Department of Law
Clerk of Commission
Secretary / Board of Revision of Assessments



VACATION: SHAW AVE
FROM GREAT MIAMI BLVD TO CITY LOT #13986

BACK

DRAFT

By _____ No. _____

A RESOLUTION

Acknowledging Notification of the Plan Board's Decision to Extend the Expiration Date of CitiPlan Dayton: The 20/20 Vision to December 31, 2022.

WHEREAS, CitiPlan Dayton: The 20/20 Vision ("CitiPlan") serves as the City of Dayton's comprehensive and future land use plan; and

WHEREAS, The City Plan Board adopted CitiPlan on March 16, 1999 and the City Commission adopted the Plan on May 5, 1999 by Resolution 5000-99; and

WHEREAS, CitiPlan provides an important legal and planning foundation for the City's Zoning Code and Map and other plans and policies; and

WHEREAS, CitiPlan will expire on December 31, 2020 unless, as stated in Section 4 of Resolution 5000-99, it is extended by an affirmative action of the City Plan Board and notification to the City Commission; and

WHEREAS, Due to COVID-19 and associated issues, an updated/replacement comprehensive and future land use plan will not be in place before December 31, 2020; and

WHEREAS, It is therefore necessary to extend the expiration date of CitiPlan until an updated/replacement comprehensive and future land use plan is adopted by the City Plan Board and City Commission; and

WHEREAS, On June 9, 2020 in Case PLN2020-00172 the City Plan Board extended the expiration date of CitiPlan to December 31, 2022 and has notified the City Commission of said action; now therefore,

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. In accordance with the authority granted to the City Plan Board in Resolution 5000-99, the expiration date of CitiPlan Dayton: The 20/20 Vision is extended to December 31, 2022 or until an updated/replacement comprehensive and future land use plan is adopted, whichever comes first.

Section 2. The City Commission acknowledges notification by the City Plan Board of this extension.

Section 3. The expiration date of CitiPlan may be extended by affirmative action of the City Plan Board and notification to the City Commission and said plan shall remain on file with the Secretary to the City Plan Board.

Passed by the Commission . . . . . ., 2020

Signed by the Mayor . . . . . ., 2020

Mayor of the City of Dayton, Ohio

Attest:

Clerk of the Commission

Approved as to form:

City Attorney

MEMORANDUM | DAYTON

June 24, 2020

TO: Rashella Lavender, Clerk of Commission

FROM: Ann Schenking, Secretary, City Plan Board

SUBJECT: Adoption of Resolution Extending Expiration Date of CitiPlan July 8, 2020 City Commission Calendar (Plan Board Case PLN2020-00172)

I am requesting that a resolution be placed on the July 8, 2020 City Commission calendar to acknowledge notification that the Plan Board extended the expiration date of CitiPlan Dayton: The 20/20 Vision. A second reading and vote on the resolution will be required at the July 15, 2020 City Commission meeting.

CitiPlan is the City of Dayton's combined future land use plan and comprehensive plan. As such it serves as one of the legal foundations for our Zoning Code and other plans and policies. The plan is in effect until December 31, 2020 unless extended by the Plan Board with notification to the City Commission of any extension. Authority to extend CitiPlan was granted to the Plan Board in Resolution 5000-99 which adopted CitiPlan.

Due to COVID-19 and associated issues, an updated comprehensive plan and future land use plan will not be completed and ready for adoption by the end of this year. Therefore the Plan Board unanimously extended the expiration date of CitiPlan to December 31, 2022. This will allow time for an updated comprehensive plan and future land use plan to be adopted and also maintain the legal foundation it provides for our Zoning Code and other plans and policies.

The updated comprehensive plan will be a component plan. Components already completed include the West Dayton Neighborhoods Vision Plan (adopted by Plan Board and City Commission in 2019) and the Northwest Dayton Neighborhoods Vision Plan (adopted by Plan Board in May and to be adopted by City Commission in July). During the next two years, similar vision plans will be completed for the northeast and southeast quadrants of the city. In addition, preliminary work has begun on an updated future land use plan component.

Attached for distribution to the City Commission is the Plan Board minute record, the Plan Board case report, and the resolution.

If you have any questions, please contact me at ext. 3699.

c: Ms. Dickstein, Mr. Parlette, Ms. Walker, Mr. Kinskey, Mr. Kroeger

City of Dayton
City Plan Board

Summary Minute Record
June 9, 2020

1. PLN2020-00172 – Extend Expiration Date of CitiPlan to December 31, 2022

Applicant: Ms. Ann Schenking, Plan Board Secretary
Department of Planning and Community Development
101 West Third Street
Dayton, OH 45402

Priority Land Use Board: Not Applicable Planning District: Not Applicable

Decision: Extended Expiration Date; City Commission to be Notified

Staff Comments

Ann Schenking presented the staff report. *CitiPlan Dayton: The 20/20 Vision* is the City of Dayton's combined future land use plan and comprehensive plan. As such it serves as one of the legal foundations for our Zoning Code and other plans and policies. The plan is in effect until December 31, 2020 unless extended by the Plan Board.

Due to COVID-19 and associated issues, an updated comprehensive plan and future land use plan will not be completed and ready for adoption by the end of this year. Staff is requesting that the Plan Board extend the expiration date of CitiPlan until an updated comprehensive plan and future land use plan are adopted. This will maintain the legal foundation it provides for our Zoning Code and other plans and policies.

The updated comprehensive plan will be a component plan. Components already completed include the West Dayton Neighborhoods Vision Plan (adopted by Plan Board and City Commission in 2019) and the Northwest Dayton Neighborhoods Vision Plan (adopted by Plan Board last month and to be adopted by City Commission next month). During the next two years, similar vision plans will be completed for the northeast and southeast quadrants of the city. Preliminary work has begun on an updated future land use plan component; that work should be completed in 2021.

Authority to extend CitiPlan was granted to the Plan Board in Resolution 5000-99 which states in Section 3: "Said Plan shall be in effect until December 31, 2020 unless extended by an affirmative action of the City Plan Board and notification to the City Commission."

Public Comments

None.

Board Discussion

The Plan Board discussed the case. Mr. Scott recommended extending the plan to a specific date – December 31, 2022. Staff said this would not pose a problem. Mr. Sauer asked how differences would be resolved between CitiPlan and the new components of the updated comprehensive plan as they are adopted. Ms. Schenking said staff and the Plan Board would resolve them.

Board Action

In accordance with the authority granted to the Plan Board in Resolution 5000-99, Section 3, a motion was made by Mr. Payne, seconded by Ms. Pegues and carried to extend the December 31, 2020 expiration date of CitiPlan Dayton: The 20/20 Vision to December 31, 2022. The extension will allow time for an updated/replacement comprehensive plan and future land use plan to be adopted. The City Commission will be notified of the plan's extension.

Ms. Beverly Pendergast	Absent	Mr. Paul Bradley	Yes
Mr. Richard Wright	Absent	Mr. Matt Sauer	Yes
Ms. Geraldine Pegues	Yes	Mr. Greg Scott	Yes
Mr. Jeff Payne	Yes		

Minutes approved by the City Plan Board on July 14, 2020.

Ann Schenking, Secretary
City Plan Board

June 9, 2020

CITY PLAN BOARD REPORT
CASE: PLN2020-00172

Extend the December 31, 2020 expiration date of *CitiPlan Dayton: The 20/20 Vision* until an updated comprehensive plan and future land use plan are adopted.

APPLICANT:
Ann Schenking, Secretary
City Plan Board
101 West Third Street
Dayton, OH 45402

REQUEST:
CitiPlan Dayton: The 20/20 Vision is the City of Dayton's combined future land use plan and comprehensive plan. As such it serves as one of the legal foundations for our Zoning Code and other plans and policies. The plan is in effect until December 31, 2020 unless extended by the Plan Board.

Due to COVID-19 and associated issues, an updated comprehensive plan and future land use plan will not be completed and ready for adoption by the end of this year. **Staff is requesting that the Plan Board extend the expiration date of CitiPlan until an updated comprehensive plan and future land use plan are adopted.** This will maintain the legal foundation it provides for our Zoning Code and other plans and policies.

The updated comprehensive plan will be a component plan. Components already completed include the West Dayton Neighborhoods Vision Plan (adopted by Plan Board and City Commission in 2019) and the Northwest Dayton Neighborhoods Vision Plan (adopted by Plan Board last month and to be adopted by City Commission next month). During the next two years, similar vision plans will be completed for the northeast and southeast quadrants of the city. Preliminary work has begun on an updated future land use plan component; that work should be completed in 2021.

Authority to extend CitiPlan was granted to the Plan Board in Resolution 5000-99 which states in Section 3: "Said Plan shall be in effect until December 31, 2020 unless extended by an affirmative action of the City Plan Board and notification to the City Commission." A copy of Resolution 5000-99 is attached.

ALTERNATIVES:

1. Extend the expiration date of CitiPlan Dayton: The 20/20 Vision until an updated comprehensive plan and future land use plan are adopted.

2. Do not extend the expiration date of CitiPlan Dayton: The 20/20 Vision.

FUTURE ACTIONS:
If the Plan Board extends CitiPlan, the City Commission shall be notified.

Staff Report Prepared by:
Ann Schenking

Staff Report Reviewed by:
Tony Kroeger

By Mr. Lovelace No. 5000-99

A RESOLUTION

Adopting the Comprehensive Plan Entitled
CitiPlan Dayton: The 20/20 Vision.

WHEREAS, The City Commission adopted Vision 2003 in June, 1996 which served as the basis and organizational framework for CitiPlan; and

WHEREAS, Committees consisting of over 125 volunteers were established to develop recommendations for the Economic Development, Community Development and Neighborhoods, Open Space and Quality of Life, Downtown, Youth, Education and Human Services, City Services and Land Use vision areas; and

WHEREAS, Over 70 forums and meetings were held with City residents including Dayton youth, the Priority Boards, and the greater Dayton community to discuss issues related to the six vision areas and to review the plan's recommendations; and

WHEREAS, The CitiPlan committees have completed the comprehensive plan for the City of Dayton, called CitiPlan Dayton: The 20/20 Vision; and

WHEREAS, The City Plan Board reviewed and adopted the comprehensive plan on March 16, 1999; and

WHEREAS, The City of Dayton is taking action and committing resources to implement said plan in a timely manner in order to enter the new millennium with a well-founded set of principles to guide decision making in the 21st century; and

WHEREAS, It is necessary that this resolution take effect immediately upon its passage for the immediate preservation of public peace, property, health and safety; now therefore

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. The City shall implement CitiPlan in partnership and collaboration with our citizens, neighborhoods, Priority Boards, institutions, schools, public agencies, business community, Montgomery County, suburban neighbors, and others who are critical to CitiPlan's success.

Section 2. Said Plan will be used by the City Commission and City Administration to set policy direction, establish service priorities (as the basis of the budget process), and act as a guideline for land use and zoning decisions and updates to the City's zoning code.

Section 3. A CitiPlan Implementation Committee is hereby created and the members of the Committee shall be appointed by the City Manager.

Section 4. Said Plan shall be in effect until December 31, 2020 unless extended by an affirmative action by the City Plan Board and notification to the City Commission.

Section 5. The official CitiPlan, including any modifications, shall be on file with the Secretary to the City Plan Board.

Section 6. The City Plan Board may, from time to time, interpret and modify said Plan by notifying the City Commission of said action.

Adopted by the Commission May 5, 1999

Signed by two Commissioners May 5, 1999

Two Commissioners of the City of Dayton, Ohio.

Attest:

Clerk of the Commission

Approved as to form:

City Attorney

BACK

DAYTON

Department of Planning & Community Development

City Hall
101 W. Third Street
P.O. Box 22
Dayton, OH 45401
(937) 333-3670 / Fax (937) 333-4281
www.daytonohio.gov

P.H. - July 15, 2020
6:00 p.m.
CASE NO. PLN2018-00716

June 12, 2020

TO: Members of the City Commission

FROM: Greg Scott, President
City Plan Board

Greg Scott/AS

SUBJECT: Transmittal of Report for City Plan Board Case PLN2018-00716
Establish Planned Development PD-175 for 4400 Old Troy Pike and Repeal Planned Development PD-78

Applicant: Mr. Greg Smith and Mr. Bob McCann
Oberer Land Developers
3445 Newmark Drive
Miamisburg, OH 45342

Description: Establish Planned Development PD-175 at 4400 Old Troy Pike for a 256 single-family home development on a 100.657 acre site. All property within the boundaries of PD-175 shall be zoned SR-1 Suburban Single-Family Residential. The current Planned Development for the site, PD-78, will be repealed and replaced by PD-175.

Board Action: Date: February 12, 2019 Decision: Recommended Approval

Attachments:
1. Plan Board Minute Record
2. Plan Board Case Report
3. Correspondence Received
4. Copy of Ordinance

If you have any questions, please contact Ann Schenking at ext. 3699.

GS/ams

c: Ms. Dickstein, Mr. Parlette, Ms. Clements, Ms. Walker, Mr. Kinskey, Mr. Kroeger, Ms. Free, Ms. Ann Schenking

MEMORANDUM | DAYTON

June 10, 2020

TO: Rashella Lavender, Clerk of Commission
Office of the City Commission

FROM: Ann Schenking, Secretary
City Plan Board

SUBJECT: **Advertise Public Hearing for City Plan Board Case PLN2018-00716; Establish Planned Development PD-175 for 4400 Old Troy Pike and Repeal Planned Development PD-78**

Applicant: Mr. Greg Smith and Mr. Bob McCann
Oberer Companies
3445 Newmark Drive
Miamisburg, OH 45342

Description: Establish Planned Development PD-175 at 4400 Old Troy Pike for a 256 single-family home development on a 100.657 acre site. All property within the boundaries of PD-175 will be zoned SR-1 Suburban Single-Family Residential. The current Planned Development for the site, PD-78, will be repealed and replaced by PD-175.

Board Action: Date: February 12, 2019 Decision: Recommended Approval

Request: The Clerk is authorized by the R.C.G.O. to set the public hearing and provide the appropriate notice. **It is requested that the Public Hearing is scheduled for Wednesday, July 15, 2020.**

Advertising: Please advertise notice of the Public Hearing on **Friday, June 12, 2020**
Advertise in a newspaper of general circulation and mail a notice to mailing list when the notice is published.

Attachments: Legal Notice
Mailing List

If you have any questions, please contact me at ext. 3699. Thank you.

c: Case File, w/ attachment

City of Dayton
Office of the City Commission
City Hall • 101 West Third Street
Dayton, Ohio 45402
(937) 333-3636

Legal Notice

Notice is hereby given that the Dayton City Commission will hold a Public Hearing on Wednesday, July 15, 2020 at 6:00 P.M., or as soon thereafter as the hearing can begin. The hearing will be held in the City Commission Chambers on the Second Floor of City Hall, 101 West Third Street, Dayton, Ohio. However, if certain COVID-19 restrictions remain in place on July 15, the hearing will be held remotely by electronic means. The City of Dayton will make a determination regarding whether the hearing will be held remotely no later than July 14, 2020 and the decision will be posted on the City of Dayton website at www.daytonohio.gov. If you wish to attend, listen to, or speak at the hearing, please contact Ann Schenking in Department of Planning and Community Development at 937-333-3699 or ann.schenking@daytonohio.gov by 3:00 P.M. on July 14, 2020 for information on how to do so.

The subject of the hearing is the following:

Official Zoning Map Amendment Case: PLN2018-00716

Establish Planned Development PD-175 at 4400 Old Troy Pike for a 256 single-family home development on a 100.657 +/- acre site. All property within the boundaries of PD-175 shall be zoned SR-1 Suburban Single-Family Residential. The current Planned Development for the site, PD-78, will be repealed and replaced by PD-175.

The proposed Official Zoning Map Amendment is available for public inspection in the Office of the City Commission and with the Secretary to the City Plan Board. Please direct inquiries on this subject to Ann Schenking, contact information above.

By order of the City Commission of the City of Dayton, Ohio.

RASHELLA LAVENDER, CLERK
OFFICE OF THE CITY COMMISSION

This case was heard at two Plan Board meetings:
January 8, 2019 and February 12, 2019.
Minutes from both meetings are attached.

City of Dayton
City Plan Board

Summary Minute Record
January 8, 2019

4. PLN2018-00716 – Zoning Map Amendment – Repeal Planned Development PD-78 and Replace It with a New Planned Development which Allows for a Maximum of 260 Single-Family Dwellings at 4400 Old Troy Pike on a 100.657 acre site. The Underlying Zoning for the Entire Site will be SR-1 Suburban Single-Family Residential.

Applicant: Mr. Greg Smith
Oberer Land Developers
3445 Newmark Drive
Miamisburg, OH 45342

Priority Land Use Board: Northeast Neighborhood Planning District: Kittyhawk

Decision: Closed Public Hearing and Tabled to February 12, 2019 Meeting

Staff Comments

Abigail Free presented the case. She said staff believed the determinations and findings could be made and recommended approval.

In 1994-95, roughly 89-acres just east of (4350) Old Troy Pike was rezoned from I-1 Light Industrial and R-1 Single-family to R-7 Multi-family with a Planned Development Overlay to establish a manufactured home development.

At the time, adjacent property owners were against a mobile home park development and preferred single-family dwellings. Over the last 25 years, the proposed development never came to fruition and remains vacant wetlands and agricultural land including several outbuildings.

When the current zoning code was adopted, the underlying zoning was categorized as SMF Suburban Multi-family Residential, but PD-78 development standards remained.

Subject Site and Vicinity:

The subject property is located along the east side of (4400) Old Troy Pike. The site includes the 89 acres from PD-78 as well as street frontage of approximately 1,100 linear feet. The 2019 Planned Development Application proposes to eliminate PD-78 and replace it with new development standards and increased area totaling 100.657 acres.

Surrounding Land Uses:

Single-family dwellings are located along Old Troy Pike to the west and Schwinn Drive to the south. Needmore Road to the north is a fast moving arterial street with civic and commercial uses (church, funeral home, gas station). To the west is a small industrial park.

Proposed Site Plan:

The submitted development plans proposes the main entrance to the subdivision from Old Troy Pike, with secondary access from Lloyd Avenue, a short single-family residential street at the northeast corner of the site lying within the city of Riverside. Two detention ponds frame the main entrance, which is a typical water retention element found with suburban residential developments.

Green space at the north of the site will remain a natural wetland habitat. Four more detention ponds line the south and east sides and a green space is centrally located. The proposed residential development is generously buffered from abutting properties through the inclusion of the detention ponds and wetlands

habitat. There are a number of short cul-de-sacs accessed by a central street and one collector. The new street shall be public and dedicated through a Record Plan.

Right-of-way dedication will also be required along Old Troy Pike, as parcels extend to the center line. A traffic impact study may be conducted to estimate if additional turn lanes should be constructed.

The site will be subdivided in phases although a complete development plan was submitted. Development along the central street will happen first with the cul-de-sacs to the north being last to allow visibility of available lots from Old Troy Pike. Also, subdividing the site will be done in phases as well as total build out may take multiple years. Construct of the public streets shall be done to City standards with exact layout reviewed by civil and water engineering.

The submitted development plan proposes 253 lots. The typical lot has a minimum width of 56-ft and an average size of 7,500-sf (56'x135'). Proposed setbacks are front 25-ft, side 5-ft (15-ft total), and rear 30-ft. A density of 2.5 units per acre is proposed. Open space is 32.5%, or 32.763 acres of the site.

Land Use and Zoning:
Current underlying zoning is SMF Suburban Multi-family (majority), and SR-1 Suburban Single-family along Old Troy Pike. The Planned Development shall change the underlying zoning to SR-1.

Architectural Style:
Dwellings shall be one or two-stories, with sizes ranging from two bedroom ranches (1,250-sf) to 5-bedroom family homes (2,300-sf). Slab and basement options are available. Dwellings will have vehicular access off of the main street with attached, front facing garages, similar to dwellings typically found in suburban neighborhoods.

Landscaping and Screening:
Landscaping shall be typical of residential development. A minimum of one tree shall be planted within the front yard setback.

Analysis:
The proposed residential subdivision layout is similar to the City's Suburban Single-family Residential Districts with slight modifications to lot width requirements. Minimum setbacks for SR-1 and SR-2 are: front 25-ft, side 5-ft, and rear 30-ft. Minimum lot widths are 7,000-sf (SR-1) and 5,500-sf (SR-2) and minimum lots widths 70-ft (SR-1) and 60-ft (SR-2) and maximum lot coverage of 40%. Although the proposed development meets most of the lot and setback requirements, a minimum lot width of 56-ft is proposed, which is 4-ft less than the minimum standard for SR-2 and 14-ft less than SR-1.

Conclusion:
Planning staff supports the proposed uses and development plan.

Public Hearing Comments
A letter from Karen Stewart Reed, 4471 Schwinn Drive, Dayton, OH was received. She prefers the single-family home development over a trailer park but is concerned about how storm water run-off from the development will be handled without causing damage to surrounding homes and land.

The Northeast Priority Land Use Board did not meet on the case.

Applicants Greg Smith and Robert McCann of Oberer, 3445 Newmark Drive, Miamisburg, OH spoke in support of the project and answered questions from the Plan Board. They said that they would support using Lloyd Avenue as a fire access only, rather than a secondary access if that was a condition of

approval. Mr. McCann said they believe that the ponds on the site will retain storm water and if access to the development from Old Troy Pike is blocked, in an emergency, homes in the subdivision can be accessed using the secondary access off Lloyd Avenue. Mr. Smith said water and sewer service will be provided in stages as the development is built out.

Chris Lohr, City of Riverside, 5200 Springfield Street, Suite 100, Riverside, OH, said Riverside supports the rezoning. The city supports using Lloyd Avenue as an emergency access; the street is not designed to handle secondary access traffic.

William Bullock, 4305 Old Troy Pike, Dayton, OH, said any upgrades needed to the storm sewer should be required. There is already water run-off through his property.

Anita Baker, 4418 Needmore Road, Dayton, OH, said the site is wet land; water is sitting in her back yard now. Building 250 houses will bring traffic problems.

Robert Baker, 4418 Needmore Road, Dayton, OH, said his back yard floods now and adding more houses will make the problem worse.

Edson Waite, 4535 Lloyd Avenue, Riverside, OH, said he was concerned about using Lloyd Avenue as a secondary access. They are downhill from the proposed subdivision and this development will increase their water problems. He suggested alternative sites for secondary access to the proposed development.

James Fetters, 4305 Old Troy Pike, Dayton, OH, said he did not get a notice about this hearing; a lot of people didn't. This site is wet land and won't hold run-off and the topography is steep. His whole back yard is flooded now. He is also concerned that water runoff will pollute their water supplies. Traffic will be a problem and there are already accidents all over the place on Old Troy Pike.

Brian Gaskin, 4231 Old Troy Pike, Dayton, OH, said there is no way Old Troy Pike can handle the traffic load of this development.

Robert Alan Baker, 4418 Needmore Road, Dayton, OH, asked what the access to Lloyd Avenue would be like if it is an emergency access only. Mr. Sauer said it could be structured grass.

Mr. Jason Isham, 4405 old Troy Pike, Dayton, OH, said there is a wreck on Old Troy Pike now at least once a week and the road is blocked.

Board Discussion
The Plan Board closed the Public Hearing and discussed the case. Plan Board members said that based on concerns expressed at the meeting it would make sense to table action on the case to the February 12, 2019 Plan Board meeting. This would provide time for additional information to be collected regarding the concerns expressed including why some residents did not receive notice of the hearing. More information will help the Board make a better, informed decision.

Staff will notify those who registered to speak, those on the mailing list, and those who were missed (based on the Zoning Code's notification requirements) of the February 12, 2019 Plan Board meeting. Mr. Bradley said that he would be open to reopening Public Hearing at the February 12 meeting if members of the public wished to speak.

Board Action
A motion was made by Ms. Pegues, seconded by Mr. Wright and carried to table action on this case to the Plan Board's February 12, 2019 meeting to allow time for additional information to be collected and presented to the Board.

Ms. Beverly Pendergast	Absent	Mr. Paul Bradley	Yes
Mr. Richard Wright	Yes	Mr. Matt Sauer	Yes
Ms. Geraldine Pegues	Yes	Mr. Greg Scott	Absent
Mr. Jeff Payne	Absent		

Minutes approved by the City Plan Board on February 12, 2019.

Ann Schenking

Ann Schenking, Secretary
City Plan Board

City of Dayton
City Plan Board

Summary Minute Record
February 12, 2019

7. PLN2018-00716 – Zoning Map Amendment – Repeal Planned Development PD-78 and Replace It with a New Planned Development which Allows for a Maximum of 260 Single-Family Dwellings at 4400 Old Troy Pike on a 100.657 acre site. The Underlying Zoning for the Entire Site will be SR-1 Suburban Single-Family Residential.

Applicant: Mr. Greg Smith
Oberer Land Developers
3445 Newmark Drive
Miamisburg, OH 45342

Priority Land Use Board: Northeast Neighborhood Planning District: Kittyhawk

Decision: Recommended Approval

Staff Comments

On January 8, 2019, the Plan Board tabled action on this case to its February 12, 2019 meeting to allow time for additional information to be collected and presented to the Board. Abigail Free presented the case and explained what the applicant had changed since the February meeting. She said staff believed the determinations and findings could be made and recommended approval.

During the January hearing, residents from the surrounding area, namely Old Troy Pike and Lloyd Avenue, spoke with concern about the proposed site plan. Previously, the submitted development plan proposed the main entrance to the subdivision from Old Troy Pike, with secondary access from Lloyd Avenue, a short single-family residential street at the northeast corner of the site lying within the city of Riverside. Two detention ponds frame the main entrance, which is a typical water retention element found with suburban residential developments.

The secondary access was a concern due to the fact that Lloyd Avenue is essentially a narrow unimproved street with no sidewalks or storm sewers with only four houses and two additional houses fronting on Needmore Road. Even though Lloyd Avenue has right-of-way that extends to the subject property, the aesthetic is a private, wooded, dead-end street. Residents did not support connecting Lloyd Avenue to the new subdivision. Another issue with Lloyd Avenue is that it lies within the City of Riverside which did not fully support the right-of-way connecting and the granting of full vehicular access.

During the hearing the possibility to use Lloyd Avenue as emergency access only was discussed. The Dayton Fire Department did not support Lloyd Avenue as emergency access only because typically emergency access only does not have a solid surface for the emergency vehicles to use, has gated access, or becomes lost over time. Dayton's Civil Engineers also recommend that at least two access points are provided for a subdivision over 100 houses.

Another issue brought up during the January hearing was excessive flooding in the area, rainwater runoff and lack of storm sewers. Because the proposed development is currently undeveloped land, the rainwater runoff follows natural topography causing flooding in low areas. However, with the construction of new roads to include storm sewers, rainwater that once ran off the proposed site will now be contained in one of the many retention ponds proposed on the site. Water engineering agrees that a new housing subdivision may help with current flooding to surrounding areas.

Vehicular safety and collisions at the nearby intersection of Old Troy Pike and Needmore Road were also a concern. The City of Riverside (where the intersection is located) has informed staff that the Miami

Valley Regional Planning Commission (MVRPC) is conducting a safety study at the cited intersection and may recommend future changes to make the intersection safer.

The proposed site plan has been revised since first being heard at the January 8, 2019 Plan Board meeting. The site plan has been reworked to allow for two separate entrances to the subdivision off of Old Troy Pike which the Dayton Fire Department supports. The southern entrance is within Dayton, while the northern entrance is within Riverside. A detention pond lies between both entrances. Riverside will allow for an entrance within their jurisdiction.

The new configuration has allowed for three additional lots, totaling 256 lots. There are a number of short cul-de-sacs accessed by two central streets that lead to the access points along Old Troy Pike. A cul-de-sac has been added near the Lloyd Avenue right-of-way and will no longer be a proposed access, not even for emergencies. The new streets shall be public and will be dedicated through a Record Plan.

Right-of-way dedication will also be required along Old Troy Pike, as parcels extend to the center line. The developers have offered to do a trip generation study to estimate whether they will need to install a deceleration lane (right-turn) from the south or a left turn lane coming from the north. The Department of Public Works will review the information and determine the required improvements.

Green space at the north of the site will remain a natural wetland habitat. Four more detention ponds line the south and east sides and a green space is centrally located. The proposed residential development is generously buffered from abutting properties through the inclusion of the detention ponds and wetlands habitat.

The site will be subdivided in phases although a complete development plan was submitted. Development along the central street will happen first with the cul-de-sacs to the north being last to allow visibility of available lots from Old Troy Pike. Construction of the public streets shall be done to City standards with exact layout reviewed and approved by Civil and Water Engineering.

The revised development plan proposes 256 lots. The typical lot has a minimum width of 56-ft and an average size of 7,500-sf (56'x135'). Proposed setbacks are front 25-ft, side 5-ft (15-ft total), and rear 30-ft. A density of 2.5 units per acre is proposed. Open space is 32.5%, or 32.763-acres of the site.

In conformance with the City's Livable Streets Policy, Ms. Free said staff recommends sidewalks on the development's frontage along Old Troy Pike in addition to the sidewalks that will be provided within the subdivision

Public Hearing Comments
Since the public hearing on the case was closed at the January Plan Board meeting, Mr. Payne made a motion to reopen the public hearing. The motion was seconded by Ms. Pegues and carried unanimously.

Applicants Greg Smith and Robert McCann of Oberer, 3445 Newmark Drive, Miamisburg, OH spoke in support of the revised project and answered questions from the Plan Board. They said that the construction of a sidewalk along Old Troy Pike would be a painful cost to the subdivision. Mr. McCann said the second entrance off Old Troy Pike will be built by the time 100 homes are built. He also said that water cannot run off the site any faster than it does now. A homeowner's association (HOA) will maintain the ponds.

Edson Waite, 4535 Lloyd Avenue, Riverside, OH, said he was happy that the development will have a cul-de-sac at Lloyd Avenue and that turn lanes for the development will be constructed on Old Troy Pike. He said water flow towards his house has increased dramatically with the development around him.

Brian Gaskin, 4231 Old Troy Pike, Dayton, OH, said his house is south of the proposed turn lanes. He likes the turn lanes and said it is good that Lloyd Avenue will not be used as an access to the development. He is concerned about Old Troy Pike encroaching closer to his home.

Mike Denning, 4435 Schwinn, Dayton, OH, said if you look at all properties in the area, no properties have lots that are as small as those in the proposed subdivision. Keep the lots at 70' wide. Sidewalks on Old Troy Pike will benefit the neighborhood; people will use them. He hopes the project will reduce water flow off the site.

Robert Baker, 4418 Needmore Road, Dayton, OH, said not using Lloyd as an access is fantastic; there is a water run-off problem here.

Board Discussion
The Plan Board discussed the case. Mr. Payne summarized the points of discussion as follows: 1) water run-off generated by this development is required to be contained within its own drainage system then fed into the city system. Water run-off currently experienced will be reduced with this project; 2) the use of Lloyd Avenue as a secondary access is eliminated; 3) access improvements on Old Troy Pike will be constructed with the current right-of-way.

Ms. Pegues asked about the proposed lot widths. Ms. Free said the lots will meet the requirements of the SR-1 zoning district expect for lot width which will be accommodated by the regulations in the proposed Planned Development. Mr. Kinskey said what is currently allowed at the site is a 300 unit mobile home park with 45' wide lots. Ms. Pegues asked how notification was handled for this meeting. Ms. Free and Ms. Schenking explained the notification process which included confirming the addresses on the original mailing list and mailing notices to that list and also sending notices to everyone who registered to speak at last month's meeting.

Mr. Payne said he supported constructing a sidewalk on the development's frontage along Old Troy Pike. Ms. Pegues asked what the City's position was on sidewalks. Ms. Free noted that the City Engineer referenced the Livable Streets Policy.

Board Action
A motion was made by Mr. Payne, seconded by Mr. Bradley and carried to and to recommend City Commission approval of Case PLN2018-00716 based on the Plan Board's ability to make the determinations specified in R.C.G.O. Section 150.125.7 as outlined in the staff report, and that the Planned Development standards for this case shall include construction of a sidewalk on the development's frontage along Old Troy Pike.

Ms. Beverly Pendergast	Absent	Mr. Paul Bradley	Yes
Mr. Richard Wright	No	Mr. Matt Sauer	Yes
Ms. Geraldine Pegues	Yes	Mr. Greg Scott	Absent
Mr. Jeff Payne	Yes		

Mr. Wright voted no due to the concerns of residents voiced at the Public Hearings on the case.

Minutes approved by the City Plan Board on March 12, 2019.

Ann Schenking

Ann Schenking, Secretary
City Plan Board

February 12, 2019

CITY PLAN BOARD REPORT
CASE: PLN2018-00716

Request/Description: A Zoning Map Amendment request to eliminate PD-78 which allowed for 300 manufactured homes and replace it with SR-1 Suburban Single-family underlying zoning and a new Planned Development. The zoning amendment will allow for the development of 256 Single-family dwellings on a 100.657-acre site. The current underlying zoning is SR-1 Suburban Single-family along Old Troy Pike and SMF Suburban Multi-family adjacent.

BACKGROUND

Applicant:
Oberer Land Developers, LTD
c/o Greg Smith
3445 Newmark Drive
Miamisburg, OH 45342

Owners:
Liberty-Bravo III LLC
5942 Tylersville Road
West Chester, OH 45069

Address of Property: 4400 Old Troy Pike

Priority Land Use Board: Northeast **Neighborhood:** Kittyhawk

Board Authority:
- R.C.G.O. § 150.125.1 Authority of Amendments

Applicable Plans and Policies:
City of Dayton Official Zoning Map; 2006

Zoning Code; 2006
- R.C.G.O. § 150.125 City Plan Board actions for amendments to the Official Zoning Map.
- R.C.G.O. § 150.350 Planned Developments

2040 Transportation Plan
- Chapter 4: Complete Streets Elements

Livable Street Policy
- Ensure the needs of all users are balanced throughout the surface transportation network to the greatest reasonable measure.

- Promote the use of the latest and best "complete streets" design standards principles, policies, and guidelines within the context of the community.

CitiPlan 20/20: Revised Land Use Principles (2007)

- Provide housing that meets the diverse social and income needs of the community.
- Encourage planned development overlays and other special controls to facilitate development in undeveloped areas, underdeveloped areas, and areas where the proposed use may require additional conditions to ensure compatibility with surrounding land uses.
- Whenever possible, promote good urban design by using the Urban Design Guidelines and Pedestrian Oriented Design Standards when reviewing projects.
- Design new area and enhance or preserve older areas that convey a strong sense of place.

Agencies and Groups Contacted:
Property Owners within 250 feet
Northeast Priority Land Use Board

CURRENT CONDITIONS

Existing Land Use/Zoning:	Vacant land, wetlands, agriculture, mobile homes; SR-1, SMF, PD-78 Overlay
Proposed Land Use/Zoning:	Suburban Single-family Residential; SR-1
Surrounding Land Use/Zoning:	North: Vacant Land; I-2/ Commercial: Riverside South: Single-family, School, Vacant land; Riverside West: Single-family, churches, Vacant land; SR-1 East: Industrial; I-1

The proposed area for establishment of a Planned Development consists of approximately 100.6567-acres, parcels R72217304 0004, R72217304 0005, R72217304 0006, R72217304 0008, R72217304 0009, R72217304 0010, R72217304 0019

STATUTORY REQUIREMENTS AND AUTHORITY

Refer to R.C.G.O. § 150.125 City Plan Board actions for amendments to the Official Zoning Map; and R.C.G.O. § 150.350 Planned Developments

GENERAL LAND USE ISSUES AND ANALYSIS

A Zoning Map Amendment request to eliminate PD-78 which allowed for 300 manufactured homes and replace it with SR-1 Suburban Single-family underlying zoning and a new Planned Development. The zoning amendment will allow for the development of 256 Single-family dwellings on a 100.657-acre site. The current underlying zoning is SR-1 Suburban Single-family along Old Troy Pike and SMF Suburban Multi-family adjacent.

Case Background

In 1994-95, roughly 89-acres just east of (4350) Old Troy Pike were rezoned from I-1 Light Industrial and R-1 Single-family to R-7 Multi-family with a Planned Development Overlay to establish a manufactured home development.

PD-78 limited the maximum number of manufactured homes to 300. The lots were to be consolidated to accommodate the mobile home park. Building requirements included minimum lot size 4,000-sf, minimum lot width 45-ft, minimum setbacks: side 10-ft, front 15-ft, rear 20-ft, maximum building height 30-ft, density 3.37 units/ acre with utilities located in the rear yard. Maximum dwelling area is 1,000-sf, with 2 windows on at least three exterior walls.

The development site required a 20-ft perimeter buffer (30-ft on south side) with a 3-ft tall mound landscaped with trees or hedges. At minimum, 10% of the site would be Community Recreational use. The Development Plan proposed two collector streets that were to be privately maintained, with a minimum width of 30-ft.

At the time, adjacent property owners were against a mobile home park development and preferred single-family dwellings. Over the last 25 years, the proposed development never came to fruition and remains vacant wetlands and agricultural land including several outbuildings.

When the current zoning code was adopted, the underlying zoning was categorized as SMF Suburban Multi-family Residential, but PD-78 development standards remained.

Subject Site and Vicinity:

The subject property is located along the east side of (4400) Old Troy Pike. The site includes the 89-acres from PD-78 as well as street frontage of approximately 1,100 linear feet. The 2019 Planned Development Application proposes to eliminate PD-78 and replace it with new development standards and increased area totaling 100.657-acres.

Surrounding Land Uses:

Single-family dwellings are located along Old Troy Pike to the west and Schwinn Drive to the south. Needmore Road to the north is a fast moving arterial street with civic and commercial uses (church, funeral home, gas station). To the west is a small industrial park. Land to the north and south lies within the City of Riverside, while land to the west and east are within Dayton.

Proposed Site Plan:

During the January hearing, residents from the surrounding area, namely Old Troy Pike and Lloyd Avenue, spoke with concern about the proposed site plan. Previously, the submitted

development plan proposed the main entrance to the subdivision from Old Troy Pike, with secondary access from Lloyd Avenue, a short single-family residential street at the northeast corner of the site lying within the city of Riverside. Two detention ponds frame the main entrance, which is a typical water retention element found with suburban residential developments.

The secondary access was a concern due to the fact that Lloyd Avenue was essentially a narrow unimproved street with no sidewalks or storm sewers with only four houses and two additional houses fronting on Needmore Road. Even though Lloyd Avenue has right-of-way that extends to the subject property, the aesthetic is a private, wooded, dead-end street. Residents did not support the proposed roadway to connect to the new subdivision. Another issue with Lloyd Avenue is that it lies within the City of Riverside which did not fully support the right-of-way connecting and full vehicular access granted.

During the hearing the possibility to use Lloyd Avenue as emergency access only was discussed. The Dayton Fire Department did not support Lloyd Avenue as emergency access only because typically emergency access only does not have a solid surface for the emergency vehicles to use, has gated access, or becomes lost over time. Dayton's Civil Engineers also recommend that at least two access points are provided for a subdivision over 100 houses.

Another issue brought up during the January hearing was excessive flooding in the area, rainwater runoff and lack of storm sewers. Because the proposed development is currently undeveloped land, the rainwater runoff follows natural topography causing flooding in low areas. However, with the construction of new roads to include storm sewers, rainwater that once ran off the proposed site will now be contained in one of the many retention ponds proposed on the site. Water Engineering agrees that a new housing subdivision may help with current flooding to surrounding areas.

Vehicular safety and collisions at the nearby intersection of Old Troy Pike and Needmore Road were also a concern. The City of Riverside (where the intersection is located) has informed staff that the Miami Valley Regional Planning Commission (MVRPC) is conducting a safety study at the cited intersection and may recommend future changes to make the intersection safer.

The proposed site plan has been revised since first being heard at the January 8, 2019 Plan Board hearing. The site plan has been reworked to allow for two separate entrances to the subdivision off of Old Troy Pike. The southern entrance is within Dayton, while the northern entrance is within Riverside. A detention pond lies between both entrances. Riverside will allow for an entrance within their jurisdiction.

The new configuration has allowed for three additional lots, totaling 256 lots. There are a number of short cul-de-sacs accessed by a two central streets that lead to the access points along Old Troy Pike. A cul-de-sac has been added near the Lloyd Avenue right-of-way and will no longer be a proposed access, not even for emergencies. The new streets shall be public and will be dedicated through a Record Plan.

Right-of-way dedication will also be required along Old Troy Pike, as parcels extend to the center line. The developers have offered to do a trip generation study to estimate whether they will need to install a deceleration lane (right-turn) from the south or a left turn lane coming from the north. The Department of Public Works will review the information and determine the required improvements.

Green space at the north of the site will remain a natural wetland habitat. Four more detention ponds line the south and east sides and a green space is centrally located. The proposed residential development is generously buffered from abutting properties through the inclusion of the detention ponds and wetlands habitat.

The site will be subdivided in phases although a complete development plan was submitted. Development along the central street will happen first with the cul-de-sacs to the north being last to allow visibility of available lots from Old Troy Pike. Construction of the public streets shall be done to City standards with exact layout reviewed and approved by civil and water engineering.

The revised development plan proposes 256 lots. The typical lot has a minimum width of 56-ft and an average size of 7,500-sf (56'x135'). Proposed setbacks are front 25-ft, side 5-ft (15-ft total), and rear 30-ft. A density of 2.5 units per acre is proposed. Open space is 32.5%, or 32.763-acres of the site.

Land Use and Zoning:
Current underlying zoning is SMF Suburban Multi-family (majority), and SR-1 Suburban Single-family along Old Troy Pike. The Planned Development shall change the underlying zoning to SR-1.

Architectural style:
Dwellings shall be one or two-stories, with sizes ranging from two bedroom ranches (1,250-sf) to 5-bedroom family homes (2,300-sf). Slab and basement options are available. Dwellings will have vehicular access off of the main street with attached, front facing garages, similar to dwellings typically found in suburban neighborhoods.

Landscaping and Screening:
Landscaping shall be typical of residential development. A minimum of one tree shall be planted within the front yard setback.

Analysis:
The proposed residential subdivision layout is similar to the City's Suburban Single-family Residential Districts with slight modifications to lot width requirements. Minimum setbacks for SR-1 and SR-2 are: front 25-ft, side 5-ft, and rear 30-ft. Minimum lot widths are 7,000-sf (SR-1) and 5,500-sf (SR-2) and minimum lots widths 70-ft (SR-1) and 60-ft (SR-2) and maximum lot coverage of 40%. Although the proposed development meets most of the lot and setback requirements, a minimum lot width of 56-ft is proposed, which is 4-ft less than the minimum standard for SR-2 and 14-ft less than SR-1.

The developer has revised the proposed development plan to address the concerns of neighbors as well as City departments. The revised development plan is a good compromise that can be supported by City staff but still allows for practical development of the property.

Conclusion:
Planning Staff supports the proposed uses and development plan. Also, staff has received one resident letter in support of the proposed development plan.

DETERMINATIONS AND FINDINGS

150.350.10 Development Plan Review Criteria

The following development and design criteria are established to insure that all proposed development and redevelopment complies with the purposes of this District as set forth in sub-section 150.350.1. The Plan Board shall review plans for a proposed development utilizing the Planned Development District as required in sub-section 150.350.2, Application and Procedures, according to the criteria established below. The application is intended to be the basis and standard for the eventual and complete development of the site and should insure appropriate and compatible future development by others and therefore shall include the following information:

(A) The proposed plan is consistent with the goals and objectives of the City's Comprehensive Plan;

Yes, the proposed development plan is consistent with CitiPlan 20/20.

(B) The proposed plan is consistent with any other plan or policy statement for the orderly development of the City;

Yes

(C) The proposed plan is consistent with the goals of this Zoning Code which include creating a built environment that reflects and complements Dayton's existing built form;

Yes, the development in consistent with the spirit and intent of the Zoning Code. It will allow for development of vacant property while applying the control and flexibility of a Planned Development.

(D) The appropriate use and value of property within and adjacent to the area will be safeguarded;

Yes, adjacent uses will be safeguarded.

(E) The site design plan demonstrates that the proposed development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property;

Yes, the proposed residential lots are harmonious.

(F) Preliminary utility easements including fire hydrants, sanitary sewers, and preliminary grading, drainage, and storm water management;

Preliminary placement of utilities and detention ponds will be reviewed by City Engineers prior to approval of any Record Plan.

(G) Roadway systems, circulation areas, service areas, parking areas, entrance, exits, and pedestrian walkways within the development and access to public streets that minimize traffic hazards or congestion;

Preliminary vehicular and pedestrian circulation will be reviewed by City Engineers prior to approval of any Record Plan. A traffic impact study will be conducted.

(H) The general location of buildings depicting bulk, height, and spatial relationships of proposed building masses with adjacent development;

Placement of dwellings and signage is not finalized, but the layout of the proposed typical residential lot is appropriate for the proposed development of suburban single-family dwellings.

(I) The number and location of access drives limited to reduce curb-cuts, cut-through traffic, incidence of left turns, and adverse impact upon adjacent uses;

There are two access points to the subdivision; Old Troy Pike (main) and a secondary. A traffic impact study may be conducted.

(J) The location of parking areas, including circulation routes designed to service front parcels and main, rear, or additional parking areas and to permit travel between all parking areas;

No parking areas are proposed.

(K) Internal directional traffic signage required to assure safe and orderly vehicular and pedestrian traffic;

No directional signage is proposed. Stop signs may be used within the subdivision streets.

(L) Parking lot lighting, including, style, and height that directs lighting to access drives, pedestrian walkways, parking lots, and buildings and not to adjacent residential areas;

No parking lots are proposed.

(M) Evidence that the character and materials of the buildings shall be compatible with one another throughout the entire development. Final architectural plans for each individual

building will be subject to review and approval by the City at the time of Site Design Review;

Sample rendering were submitted showing a cohesive architectural style for the proposed dwellings.

(N) A signage plan indicating consistent use of materials, colors, lettering, etc., in compliance with Section 150.900, Sign Regulations;

A Signage Plan was not submitted.

(O) Intended measures to screen rooftop mechanical equipment from view from the public right-of-way and adjoining residential properties. Where necessary because of sight lines, such screening may be accomplished through the use of parapet walls, roof mounted screens or other devices approved by the City;

No mechanical equipment is proposed on rooftops.

(P) Accommodation and access for emergency and firefighting apparatus;

Fire hydrants shall be located and installed to City Standards.

(Q) Screening and enclosure of trash, recycling, and grease containers, as required by subsection 150.800.10 Screening of Accessory Uses, so as not to be visible from the public right-of-way or adjoining properties;

Trash shall be collected at the curb using individual bins for each dwelling.

(R) Location of landscaped or screened buffer areas as required within front, side, and rear setbacks and significant buffers with adequate landscaping and screening between the proposed development and adjacent residential areas;

The subdivision will provide several detention ponds and leave existing natural wetlands to act as buffers to adjacent properties.

(S) Preservation of significant natural features to the maximum extent feasible, such as, but not limited to, stream beds or other water courses, steep slopes, mature stands of trees, individual trees of substantial age or size, and rock outcroppings;

Three natural wetland habitats will be preserved.

(T) A management plan or mechanism to provide for the perpetual maintenance of all landscape, buffer, and shared parking areas, which is submitted and acceptable to the City's Law Department and the Plan Board, by the ultimate land purchaser and owner;

Maintenance of the public open space will be done through the established HOA.

(U) Intended measures that will be taken to convey the terms of the design criteria to future purchasers and/or tenants; and,

The site will be subdivide and lots will be individually sold for the purposed of building one detached single-family dwelling per lot.

(V) If it is proposed that this common open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of the entity shall be submitted. (Ord. 30515-05, passed 12-28-05; amend Ord. 31283-13, passed 12-18-13)

150.125.7 Amendments to Change Zoning Districts or Zoning Classifications of Properties

(A) When a proposed amendment would result in a change of zoning classification of any property, the Plan Board and City Commission should consider whether:
Section 150.125.7 (A), R.C.G.O. states when a proposed amendment would result in a change of zoning classification of any property, the Plan Board and City Commission should consider:

(1) The change in classification would be consistent with the Comprehensive Plan of the City or other adopted plans and policies.

The change in zoning classification is consistent with CitiPlan 20/20.

(2) The change in classification would be consistent with the intent and purpose of this Zoning Code.

The change in classification is consistent with the intent and purpose of the Zoning Code.

(3) The proposed amendment is made necessary because of changed or changing conditions in the area affected, and if so, the nature of such changed or changing conditions.

Current zoning and planned development overlay allow for a mobile home park development which has not been realized in the past 25 years. Single-family development is more appropriate for the site.

(4) The uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity.

The uses that would be permitted after reclassification to SR-1 will be compatible with adjacent SR-1 zoning to the west.

(5) The uses that would be permitted on the property if it were reclassified would have an adverse environmental or health impact on the immediate surrounding area in terms of acceptable air, noise, light, or water quality standards.

The permitted uses after reclassification to SR-1 would not have adverse environmental or health impacts on the surrounding area.

(6) Adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.

Appropriate utilities will be installed as the site is subdivided and built out in phases.

7) The amount of vacant land with the same zoning classification as proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, if any, make a substantial part of such vacant land unavailable for development.

The current underlying zoning SMF Suburban Multi-family was adopted through PD-78 and is no longer an appropriate zoning district for development. The proposed SR-1 Suburban Single-family will allow for development of single-family dwelling which is more consistent and harmonious with surrounding land uses.

(8) The proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.

No such error appears to exist.

ALTERNATIVES

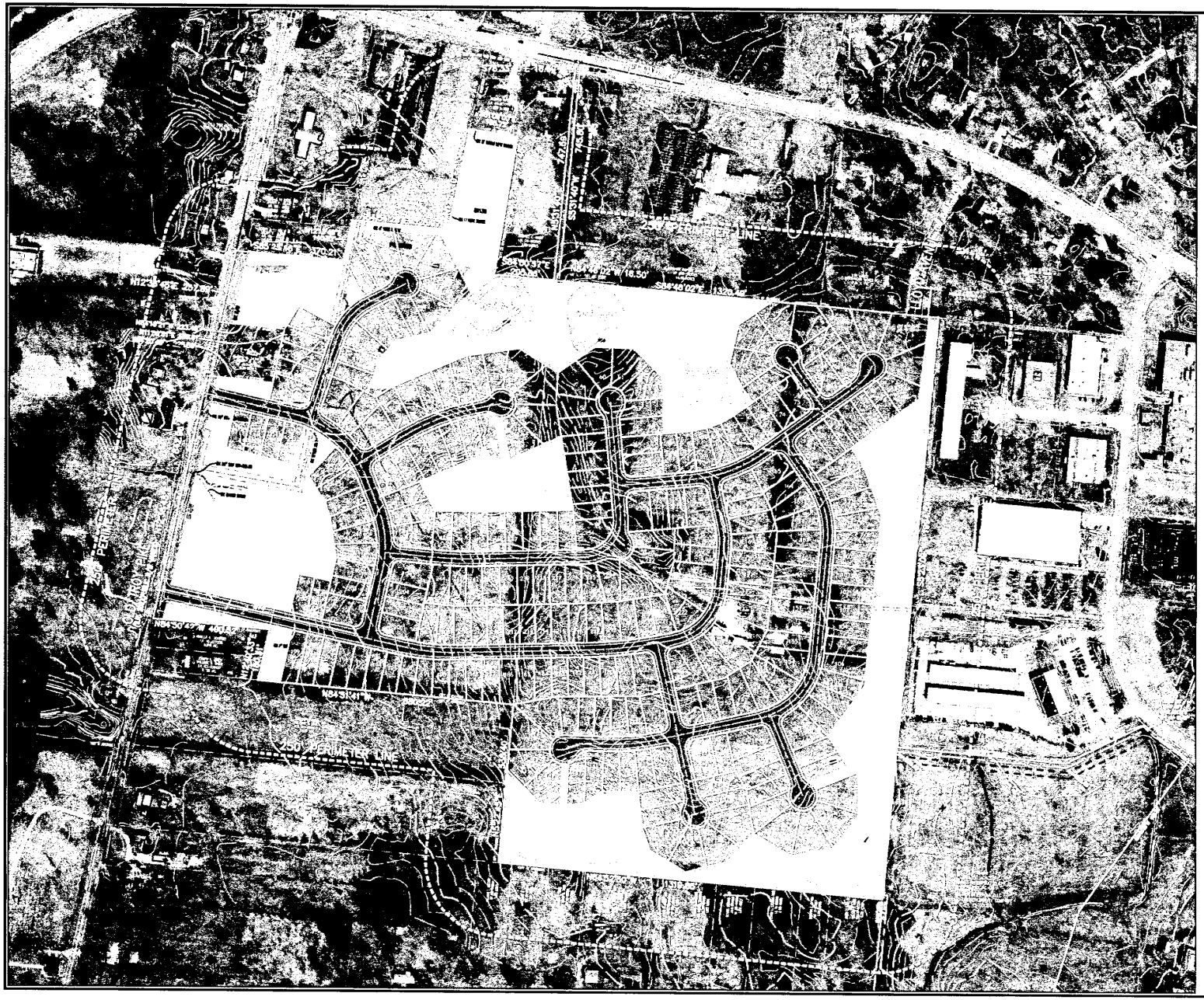
- Recommend approval of the Zoning Map Amendment application, with Planned Development Standards, to establish a new planned development, making the necessary determinations found in R.C.G.O. §150.125.7(1- 8) and 150.350.10 (A-V).

- Recommend denial of the Zoning Map Amendment application, with Planned Development Standards, to not establish a new planned development, making the necessary determinations found in R.C.G.O. §150.125.7(1- 8) and 150.350.10 (A-V).

- Recommend approval with modification of the Zoning Map Amendment application, with Planned Development Standards, to establish a new planned development, making the necessary determinations found in R.C.G.O. §150.125.7(1- 8) and 150.350.10 (A-V).

FUTURE ACTIONS:

If the Plan Board recommends approval of the proposed map amendment, the request will be forwarded to the City Commission for public hearing.

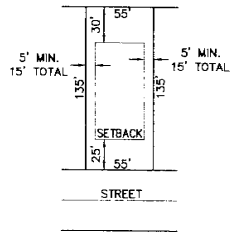


SITE DATA

TOTAL SITE AREA: 100.657 AC.

PROPOSED LAND USE:

SINGLE FAMILY DEVELOPMENT AREA: 100.657 AC.
256 SINGLE FAMILY LOTS: 56.134 AC. (56%)
OPEN SPACE: 31.133 AC. (31%)
PROP. STREET R/W: 12.560 AC. (13%)
EXIST. ROAD R/W: 0.831 AC.
TOTAL LENGTH OF NEW STREETS: 9952 L.F.



TYPICAL LOT
N.T.S.

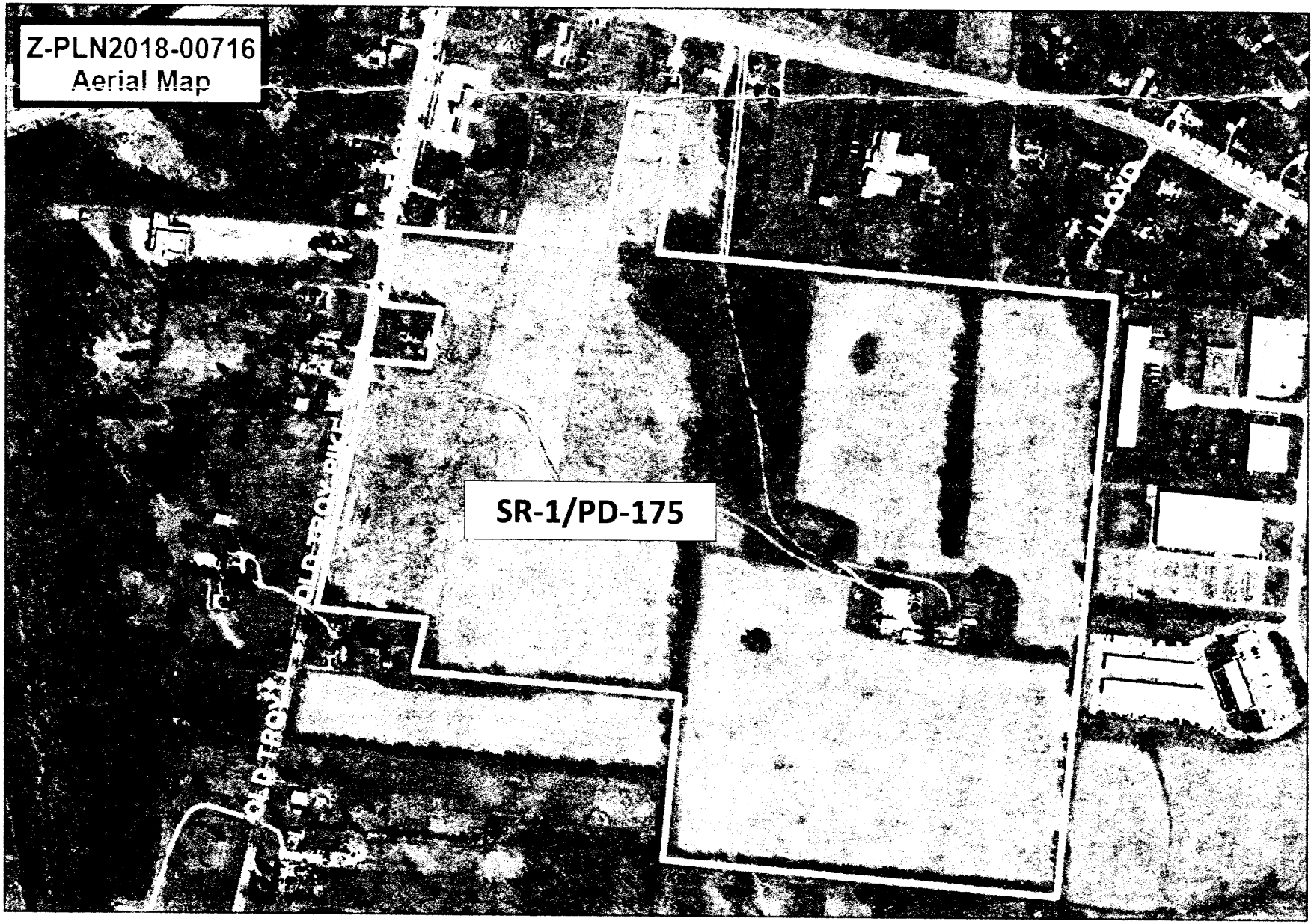
One

SIDNEY, OHIO 937.497.0200
LOVELAND, OHIO 513.239.9554
PORTLAND, INDIANA 260.766.2500
www.CHOICEENGINEERING.com

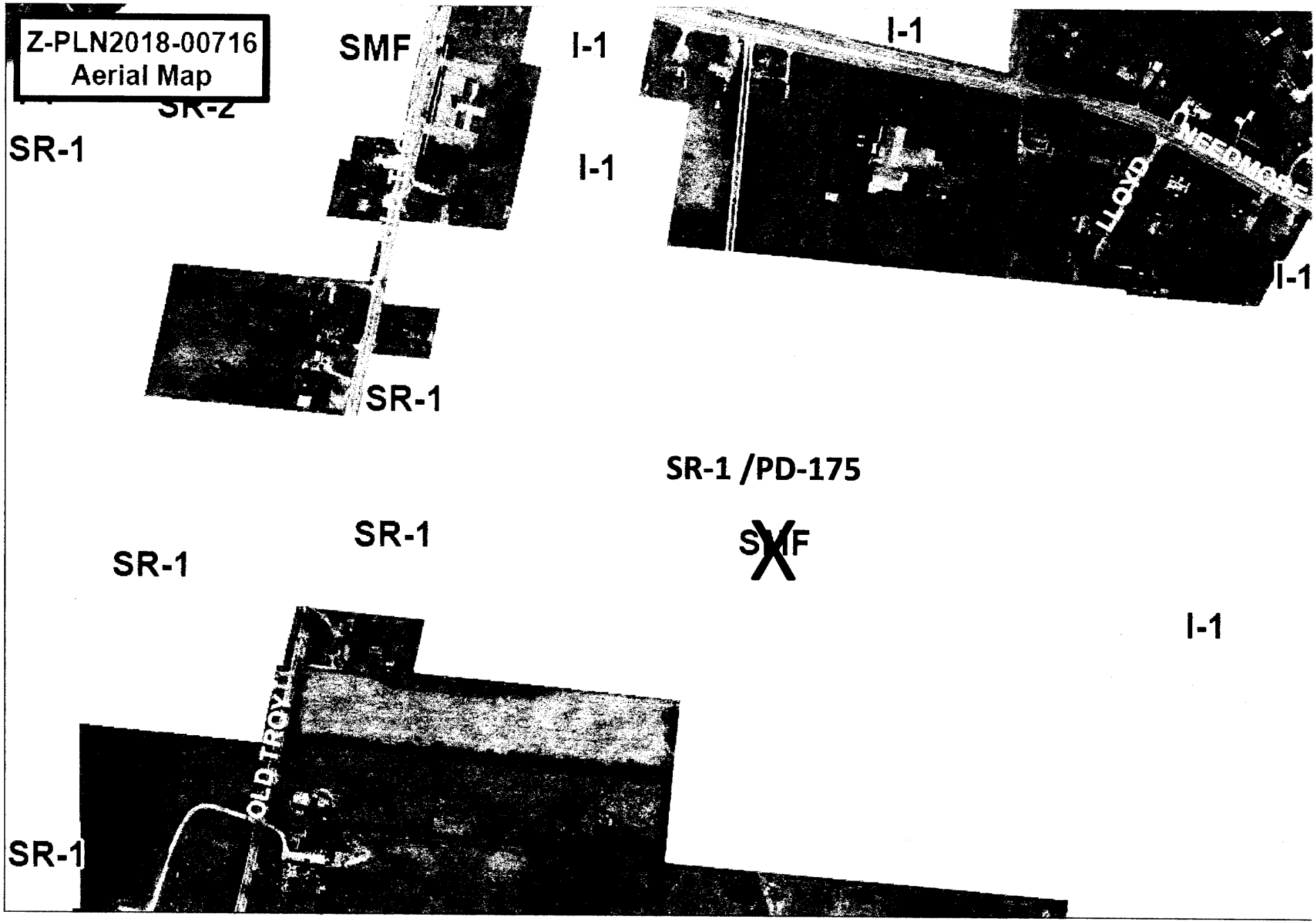
PRELIMINARY PLANNED RESIDENTIAL DEVELOPMENT
CITY OF DAYTON, OHIO
CONCEPTUAL PLAN

REVISIONS:
12-07-2018
01-17-2019

FILE NAME	MOTDAY 815-concept-2a
DRAWN BY	SED
CHECKED BY	JSP
PROJECT No.	MOTDAY1815
DATE	01-17-2019
SHEET NUMBER	1 of 1



SINGLE-FAMILY RESIDENTIAL
PLANNED DEVELOPMENT



SINGLE-FAMILY RESIDENTIAL
PLANNED DEVELOPMENT

Ms. Reed sold her home in September 2019, several months after this letter was written.

Karen Stewart Reed
4471 Schwinn Drive
Dayton, Ohio 45404-1342

To: Dayton Plan Board
Re: Case # PLN 2018-00716 Legal notice

This letter is in reference to the proposed development of 253 Single Family dwellings on the 100.657 acres site between Old Troy Pike, Needmore Rd, Brandt Pike and Schwinn Drive.

It is imperative that the City of Dayton puts proper codes and regulations on this development to ensure that excess storm water runoff is not discharged onto adjacent residents properties causing damage to the surrounding homes and land. That will be an issue when 253 homes are built on this now undeveloped land that is presently absorbing it.

I've owned my home for 32 years and there has never been a problem — so please make sure there never is in the future.

Aside from that, this development of new, upscale, single family homes is clearly an improvement over a trailer park — which residents vehemently opposed from the beginning. It is also clearly a better development for the City of Dayton than the previous plan for that land.

Karen Reed

EMERGENCY MEASURE
1 Reading, 2 Separate Meetings _____
2 Readings at One Meeting X

By..... No.....

AN ORDINANCE

Amending the Official Zoning Map to Establish Planned Development PD-175 for 4400 Old Troy Pike and Repeal Planned Development PD-78, and Declaring an Emergency.

WHEREAS, An application has been made to establish Planned Development PD-175 for a single-family residential development at 4400 Old Troy Pike which will replace Planned Development PD-78; and

WHEREAS, Planned Development PD-78 shall be repealed; and

WHEREAS, All property within the boundaries of PD-175 shall be zoned SR-1 Suburban Single-Family Residential; and

WHEREAS, The Plan Board, on February 12, 2019 in Case PLN2018-00716, recommended approval of the applicant's request; and

WHEREAS, To allow work to begin on this development as soon as possible and to provide for the immediate preservation of the public peace, property, health or safety, it is necessary that this ordinance take effect immediately upon its passage; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. Planned Development PD-175, 4400 Old Troy Pike, is established for approximately 100.657 acres. All property within the boundaries of PD-175 shall be zoned SR-1 Suburban Single-Family Residential. The Parcel Identification Numbers that comprise PD-175 are R722 17304 0004-0006, 0008-0010, and 0019. The City's official zoning map shall be redrawn to reflect the repeal of Planned Development PD-78 which was passed by the City Commission on May 10, 1995 by Ordinance 29009-95; the establishment of PD-175; and the zoning of the property within the boundaries of PD-175 as SR-1.

Section 2. In addition to the requirements applicable to all properties zoned SR-1, the property described in Section 1 of this ordinance is subject to the conditions and land use controls set forth in Section 3 of this ordinance, and collectively referred to as PD-175, 4400 Old Troy Pike.

Section 3. The intent and purpose of PD-175 is to meet the goals and objectives of the development with the facilities that are required, while ensuring the development is compatible with the characteristics of the surrounding neighborhood.

Land Use Regulations

A. Underlying zoning for PD-175 shall be SR-1 Suburban Single-Family Residential.

B. Uses shall be those Permitted by Right (P or P*), Accessory (A), or Conditional (C), as found in R.G.C.O. Schedule 150.305.2 under the SR-1 column. Conditional uses are subject to approval by the Board of Zoning Appeals.

Site Plan

The development shall consist of 256 single-family lots and 31.133 acres of open space as shown in Exhibit A, attached hereto and incorporated herein. Layout of the development shall be as shown in Exhibit A.

Bulk & Contextual Requirements

A. All bulk requirements shall comply with SR-1 Suburban Single-family regulations within Section 150.305 Single-family Residential Districts with the exception of:

1. Lot Width: 56-ft Minimum

B. Number of lots: 260 Maximum

Landscaping, Fencing & Screening

A. A minimum of 25% of the development shall remain public open space or natural vegetation.

B. A minimum of one shade tree shall be provided per lot, to be located in either the tree lawn between the sidewalk and roadway, or within the front yard setback.

C. The City Arborist shall approve tree species of required trees prior to planting in the front yard setback.

Traffic and Pedestrian Access Regulations

A. Sidewalks

1. Sidewalks shall be constructed along all streets, including Old Troy Pike, and to City standards. Sidewalks within the development shall be constructed on both sides of the streets and have a minimum width of

four (4) feet. Along Old Troy Pike, sidewalk shall be constructed on the east side of the street with a minimum width required by City standards.

B. Vehicular Access

1. Primary and secondary access shall be off of Old Troy Pike as shown in Exhibit A.

2. All streets within the development shall be dedicated as public rights-of-way and constructed to meet City standards as determined by the City Engineer, and shall provide appropriate drainage, curb, and sidewalks.

3. Right-of-way improvements shall be provided as required by the City's Department of Public Works.

Sign Regulations

A. Signage shall be located near the main entrance along Old Troy Pike.

B. Signage shall be freestanding, monument with a maximum height of 6-ft and maximum area of 50-sf on each side.

Utility Regulations

A. A site drainage plan shall be submitted to the Divisions of Water Engineering and Civil Engineering for approval.

B. All proposed utilities shall comply with City standards as determined by the Divisions of Water Engineering and Civil Engineering.

C. All future utilities including service feeds to the dwellings shall be placed underground.

D. Utility placement may be modified by the Plan Board with due consideration to environmental concerns.

Dimensions

All dimensions on the Development Plan shall be binding, and the appropriate scale shall be used to interpret where dimensions are lacking, unless modified as prescribed in the "Plan Adjustments and Interpretation" section of these development standards.

Plan Adjustments and Interpretation

After the City Commission has approved a Planned Development, it may be amended only by the use of the same procedures as are applicable for the original adoption of a Planned Development. However, minor adjustments in the final plan, resulting from field conditions, detailed engineering data, topography, or critical design criteria pertaining to drives, curb data, retaining walls, swimming pools, tennis courts, fences, building

locations, and building configuration, parking area locations, or other similar project particulars, may be authorized in writing with the concurrence of the Planning Director and the Zoning Administrator. If the final plan requires modification due to fire safety, minor adjustments may be authorized in the same manner.

These minor adjustments may be permitted provided they do not increase density, decrease the number of parking spaces, or allow buildings closer to perimeter property lines. Further, such adjustment requests shall be supported by documentation, reviewed by the Planning Director and the Zoning Administrator and determined by them to conform to the original purpose and intent of the Planned Development approval. If both the Planning Director and the Zoning Administrator do not agree, such adjustments shall not be allowed except by amendment. The Plan Board shall be advised of all minor adjustments authorized.

Section 4. For the reasons stated in the preamble hereof, this Ordinance is declared to be an emergency measure and shall take effect immediately upon its passage.

Passed by the Commission . . . . . , 2020

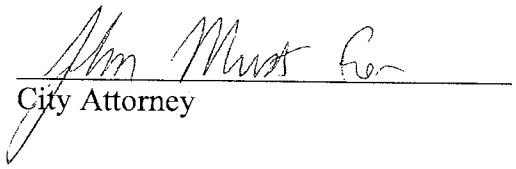
Signed by the Mayor . . . ., 2020

_____
Mayor of the City of Dayton, Ohio

Attest:

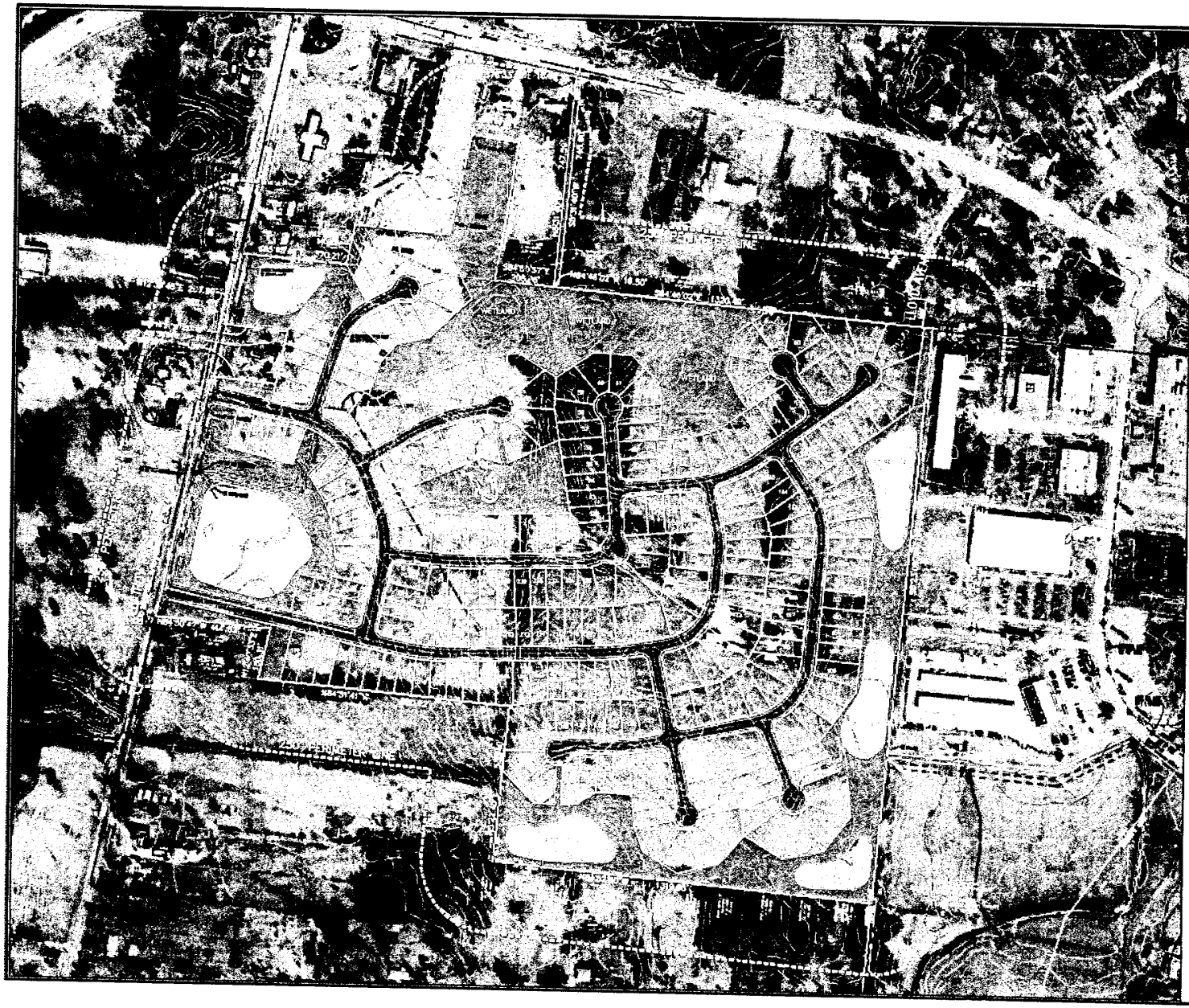
_____
Clerk of the Commission

Approved as to form:



City Attorney

Exhibit A, PLN2018-00716



SCALE IN FEET

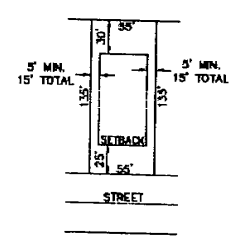
0 80 160 320

SITE DATA

TOTAL SITE AREA: 100.657 AC.

PROPOSED LAND USE:

SINGLE FAMILY DEVELOPMENT AREA: 100.657 AC.
256 SINGLE FAMILY LOTS: 56.134 AC. (56%)
OPEN SPACE: 31.133 AC. (31%)
PROP. STREET R/W: 12.560 AC. (13%)
EXIST. ROAD R/W: 0.831 AC.
TOTAL LENGTH OF NEW STREETS: 9852 L.F.



TYPICAL LOT
N.T.S.

CheckOne Engineering

SIDNEY, OHIO 937.497.0200
LOVELAND, OHIO 513.239.8554
PORTLAND, INDIANA 36876.3500
www.CHECKONEENGINEERING.com

PRELIMINARY PLANNED RESIDENTIAL DEVELOPMENT
CITY OF DAYTON, OHIO
CONCEPTUAL PLAN

REVISIONS:
12-07-2018
01-17-2019

FILE NAME
[illegible]

DRAWN BY
seb

CHECKED BY
JSP

PROJECT No.
MOTDAYTH15

DATE
01-17-2019

SHEET NUMBER
1 OF 1

BACK